

1103.9.10
3

THE
S U B S T A N C E
O F
MR. WILLIAM SMITH'S SPEECH
ON THE SUBJECT OF A
LEGISLATIVE UNION
BETWEEN
T H I S C O U N T R Y
A N D
G R E A T B R I T A I N;
DELIVERED IN THE
H O U S E O F C O M M O N S,
ON THURSDAY, JANUARY 24th, 1799,
AND NOW REDUCED TO THE FORM OF
A N A D D R E S S
T O T H E
P E O P L E O F I R E L A N D.

THE SECOND EDITION.

D U B L I N:
PRINTED AND SOLD BY MARCHBANK,
18, CHANCERY-LANE.

1799.

THEATRUM MUNDI
VOL. I. 1871. 1872.

443

6. 22

23



ADVERTISEMENT.

SEVERAL Persons of whose Judgment I think highly, (though they may not seem, in the present instance, to have exercised it successfully,) having expressed a desire that those Arguments which I lately used in Parliament, should appear in Print, I am induced, by their Request, to obtrude myself upon the Public.

On the Subject of Parliamentary Competence, I expect that I shall not be thought to have gone into an excessive Length of Discussion, when it is recollect^ded that there is *scarcely* a Lawyer, whether in or out of Parliament, who has opposed an Union, without also disputing the Authority of Parliament to enact one: that their Authority has been frequently and explicitly denied, in several Publications which have lately appeared; and that the Question of Parliamentary Competence is highly important, and even preliminary; since it would be

be a Waste of Time to discuss the Advantages of a Measure, which the Legislature was not competent to conclude.

Having, in the following Pages, enlarged upon some Topics, which, when speaking in the House of Commons, I felt it to be my Duty to treat more concisely; having supplied, from my Notes, or my Memory, some Arguments, which from similar Motives, or from Inadvertence, I there omitted; and having even given Admission to some new Reasonings which occurred to me whilst I wrote, I have thought it adviseable to throw the whole into the Shape of an ADDRESS TO THE PEOPLE OF IRELAND; of which, however, what I said in Parliament will be found to form the Substance and Foundation.



A D D R E S S, &c.

HAVING the honour of a Seat in the Legislature of this country, and holding an opinion on the important question now under discussion, from which many respectable and virtuous persons, and no small portion of my countrymen seem to dissent, I feel myself to be warranted, (I will not say called on,) to disclose the foundations of that opinion which I entertain.

In addressing myself to the People, I appeal not to their authority. The necessity for their sanction to any act of their Legislature, I protest against, as a principle subversive of our mixed form of Government, and introductory of absolute democracy in its room. But that popular approbation of a public measure, which is not requisite towards giving it validity, may yet be desirable towards giving it effect:

—towards promoting general tranquillity ; towards multiplying and maturing the benefits of the law ; towards conciliating that *people*, whose sentiments it is the free spirit of the British system to respect ; and giving to the subjects acquiescence in the decrees of their supreme Legislature, a more cordial and zealous character, than that of mere allegiance to the Constitution.

My opinions on the momentous subject now before us, are shortly these ; that an Union on fair and proper terms, would be beneficial to this Country ; and that such an Union we are likely to obtain. To justify these opinions, will be the object of the following pages.

In considering this question, let me be permitted to premise what I conceive to be material, as preliminary grounds.

The British Islands constitute *one* Empire. Their imperial Union is not the mere result of a temporary and accidental Union of their Crowns on the same head : the Crowns (if I may so express it) are constitutionally blended : his Majesty's being King of Great Britain is the *sine qua non*, and efficient cause of his being King of Ireland : he is our Monarch *ipso facto* of his being the Sovereign of our sister Country ; and to deny (or at least to act on such denial) the truth of the position, which I have above laid down, that the British Islands form but one Empire, would be treason against the principles of the *Irish* Constitution.

Now

Now let us, for argument, suppose that the entire of our establishment, except this one principle of imperial Union, were effaced, or rather that it had not come into existence ; and suppose that, addressing ourselves to some modern Solon, we should enquire how many independent Legislatures this one Empire ought to contain ?—Do you think it likely that he would recommend more than one ?—Would the lawgiver distract one Empire with two imperial wills ? Might he not even suppose, you bantered, and that your terms were contradictory, when you talked of two supreme Legislatures in the same Empire ?—Might he not pronounce of such a state, as Stephano did of Caliban, that it was “ a most delicate *monster, with two voices ?* ”

If such must, *a priori* be the opinion of a wise man, I seem warranted to infer that, so far as a Legislative Union allots a single Legislature to a single Empire, it is a rational and wholesome measure :—that so far as it provides that *one* Empire shall no longer be exposed to the risque of wavering, languidly, and inertly, between the dissentient systems of *two* Parliaments, Union is the corrective of a dangerous anomaly.

The discussion might be pushed yet farther between the lawgiver and the enquirer : the former might pronounce, that an Empire, thus constituted, would find in such duplicity of Legislature, a likely source of present weakness, and the seeds of future separation. That a difference of opinion, or system, between the two Legislatives, must paralyse the general

general force of the Empire; and that as well the more vaguely malecontent, as the direct enemies of the connexion, might (the former inadvertently, the latter by design,) make this Legislative distinctness, the means for bringing about a separation.

If such maxims, as I have been thus attributing to our supposed Legislative oracle, be warranted, the inference seems to be equally well founded;—that so far as the tendency of Union is to limit the British Empire to one Legislature, its operation will be to fortify that Empire, and eradicate those seeds of separation which it contains:—and this tendency will, on the one hand, raise an enemy to the measure, in every foe to British greatness, and British connexion; and will, on the contrary, recommend Union to the favour of all those who think our connexion with Britain salutary, and wish it to be secured; and who maintaining, as a maxim, that Ireland must stand and fall with England,—feel themselves interested at all times to aggrandize the force of the Empire, and think themselves especially called upon to do so now, when the state of opinions and of things throughout the world, and when the power, and success, and hostile dispositions of France, render it necessary, that the British Empire should concentrate all its strength, or surrender all its honours.

If it were replied to our Sage, that British influence would be found an antidote to the mischiefs which he had suggested; and would prevent Legislative dissensions from weakening and tearing asunder the energies of the Empire,—or Irish independence from

from marring the councils or interests of Britain, he might in answer *first* decline admitting an hypothesis, which insultingly derogated from the practical independence of the Irish Legislature; or *secondly*, even admitting it, he might shew that this was no longer the case of two independent Legislatures within one Empire;—but the case of a supreme British, and subordinate Irish Legislative. That therefore, whether the islands should have distinct Parliaments, could be no longer a question of Irish pride, inasmuch as it would not be more degrading to Ireland to have its Legislature *one with*, than *subject to* that of Britain: that where there existed a subjection in *fact*, this might be rendered only the more mischievous and oppressive, by being concealed behind a mask of *nominal* independence; since authority is softened by being ascertained, and exposed to public view; and the power is sure to be exorbitant, which whispers its mandates, and keeps itself out of sight.—That thus to constitute two Legislatures, both nominally supreme, and then to prevent the mischiefs of such an organization, by rendering one of them practically subservient, would be to create a fault, in order to correct it, and to bring matters clumsily, corruptly, and incompletely round to that point,—in which an original establishment of one Parliament to one Empire might have directly placed them; that instead of making imperial energy, and solidity, flow naturally and straightly from a primitive theory and arrangement; it might be circuitously and imperfectly

to

to atchieve the same objects, by a system destructive of morality and public spirit, and which would lay the seeds of popular discontent and disaffection: for he might conclude that the nominal independence of one of the Legislatures could not be converted to a practical dependence, without the connivance and corruption of the members of that Legislature; and that if such profligacy were found to exist on their parts, it would either spread a contagion fatal to the virtue and liberties of the Country; or rob the Parliament of public confidence, the Constitution of public reverence, and the Kingdom of prosperity and peace. Thus he might affirm that, as the Lawyers term it, *quācumque viâ datâ*, a concentration of all the Legislative powers of the Empire into one Parliament would be desirable: that it would be preferable to distinct and *really* independent Legislatures; and (perhaps still more) to be preferred to Legislatures, under whose *seeming* independence there lurked the practical subservency of one.

Let us now suppose this Lawgiver to have entered on the plan which he had been recommending;—to have proceeded to organize the one imperial Legislature, and to have assigned to Ireland what he conceived to be its due proportion of aristocratick, and popular representation. In this stage of the arrangement, I seem to hear an Irishman object that this Country had not, under the proposed system, an adequate share in the imperial Legislative Councils: our Lawgiver would assuredly

assuredly admit the justice of such a complaint, provided it were founded in fact; but this he would require to be shewn; and if my well-meaning Countryman attempted to substantiate his objection by suggesting that the British Representation outweighed the Irish in point of numbers, it seems likely that he would expose himself to this answer: "Your objection is absurd: you are setting in opposition to each other, parts which are not politically, or in fact opposed: the quantity of Irish Representation is commensurate to Irish power, resources, and contribution: the British Representation exceeds it in point of numbers, because in the case of Britain, there is more contribution to represent: the representation of Britain exceeds that of Ireland: so, from the same reason, the representation of England exceeds that of Yorkshire, of Scotland, or of Wales;—and the representation of three Irish provinces out-weighs that of the fourth: You forget that if the representatives do their duty, each will prefer the welfare of the whole empire to the advantage of any part, and that thus your fears from the paucity of Irish Members rest on a merely imaginary opposition of partial interests in the State: your objection, if admitted, would prove infinitely too much: the people of Yorkshire might make it as reasonably as you: it would go to crumble the empire into its primeval parts: to renew the heptarchy, or the odious system of independent baronial

" baronial tyrannies : it would assert that the lesser
 " part was entitled to equal weight and influence
 " with the greater : but as we could not assent to
 " so absurd a position, it would, if it proved any thing,
 " demonstrate the utility of that separation, which
 " every friend to Ireland must deprecate as the heaviest
 " calamity that could befall this country."

Thus I have endeavoured to shew that, those islands forming but one empire, it would be desirable, if this were *res integra*, that they should have but one Legislature : that such an organization would tend to secure and strengthen the connexion between them, and fortify that empire which is formidably assailed, and in whose dangers Ireland must partake ; and that a share of imperial Representation, proportioned to its imperial weight and burthens, would be all that this country need, or ought to require ; inasmuch as it would secure her a **FULL** share in the common blessings of the imperial Constitution. No quantity of Irish Representation could do more ; and therefore if the share conceded were adequate to secure this, to require a greater portion would be unwarranted and absurd. — These were the preliminary grounds which I had to lay.

But the present, it will be said, is not *res integra* ; the imperial establishments are already formed, and Ireland is thereby possessed of, and entitled to, a distinct and independent Legislature. — True : and therefore all that I have proved is this ; that by obtaining an Union on just and equitable terms, Ireland would exchange its distinct Legislature, for such

such an efficient share in the imperial Councils, as would ensure a full participation in the benefits of the British Constitution, and would thus baffle all which we should *originally* have been entitled to demand.

The exchange, which confers on Ireland as much imperial weight as she would originally have had a right to claim, or could consistently with the well-being of the empire possess, cannot be a very inequitable barter.

The exchange, which by communicating to Ireland a full participation in the benefits of the British Constitution, must, (such is the spirit of that Constitution,) at the same time communicate happiness and freedom to her people, cannot, it should seem, be a very destructive change. What more could her Independence have procured her?

But we sacrifice a portion of our national splendour. I admit it; and make the sacrifice with regret. I allow for, I almost rejoice and triumph at, that repugnance with which this measure is at first received: I agree with those who consider national pride and honour as some security for national valour, liberty, and virtue. But let us look to our country, torn with conflicts, and stained with blood: let us look to friendly Britain, and to hostile France: let us turn our eyes inwards to the *Traitors* and *Separatists* who swarm amongst us: let us contemplate the state of Europe, and of the World, and then enquire, whether it may not be expedient to sacrifice somewhat of our dignity, and exchange our situation for

one which will secure and strengthen our connexion with Great Britain, at a time when this connexion is at once peculiarly necessary and precarious: which will fortify that empire, of which we make a part; whose ruin is attempted, and whose destruction must be ours; a situation which will secure to us the British Constitution, with all those benefits which that admirable system involves.

I have suggested that a serious objection seems to lie to that theory which assigns two Legislatures to one empire; and that such a system even appears calculated to estrange from each other those branches of the empire which are thus legislatively independent.

But I admit that the practical independence of Ireland, (and I leave to others to pronounce whether we have enjoyed practical Independence,) ought not to be sacrificed to the speculations, perhaps visions, of a theorist.

Let us enquire, therefore, whether, in the case before us, those mischiefs, (arising from a double Legislature,) which were *probable* in theory, have not arisen in fact.

About eleven years ago his Majesty (whom it is more than a formula of loyalty to call *most gracious*,) was afflicted with a temporary illness, and it became necessary, during the interval of indisposition, to commit the executive authority to other hands.

The British and Irish Legislature were then, as they are now, independent. The British Lords and Commons, (if my memory does not deceive me,) were proceeding

proceeding to form a Regency, invested with certain limited powers. What did the Irish Lords and Commons do?—Without waiting for any appointment on the part of Britain, they nominated a Regent for Ireland, to whom they entrusted a degree of authority different from, and superior to, that which the British Regency, if completed, would have possessed.

Let us consider, the nature and tendency of this practical consequence of the theory of two independent Legislatures for one empire: this practical affirmation of Irish Legislative Independence.

It produced—two *independent* executives for one empire:—It risqued entrusting the executive authority to different hands; and set different limits, in each Island, to its power.

Did this act, the immediate effect of our legislative independence, tend to dismember the parts of the empire?—I shall not argue such a question; but leave the sober and impartial reader to answer it himself, and to collect the train of inferences which his answer will supply.

The King of England is *ipso facto* King of Ireland: that is to say, he is King of Ireland, *because* he is King of England.—Trace this constitutional rule to its principle, and what deduction follows?—That, by the spirit of the maxim, the Regent of England should be Regent of Ireland; and the prerogative of the British and Irish Executive should have precisely the same bounds.

Then, if this be so, what was (in 1788) the effect of Irish Legislative Independence?—If my reason did

did not bend before the authority of even two branches of the Legislature, I should say it was a violation of the spirit of a fundamental maxim of the Imperial Constitution. Here we seem to have got out of the visions of theory, into the plain realities of practice.

It is no answer to my argument to tell me that the recurrence of the evil may be prevented; that our Parliament has nothing to do but enact the principle: —I am not looking for remedies to this *particular mischievous effect*. I am tracing the consequence to its cause: I am deriving it from a *general source*, copious enough to be the parent of many mischiefs, and am discussing the expediency of drying up this source. To remove a symptom is not to cure the disease; nor do we purify a scrophulous habit by healing up a single ulcer. *Alteratives* are sometimes necessary in bodies politic, as well as in bodies natural.

We have examined the spirit of this imperial maxim; let us now enquire its tendency? Why does the rule obtain that the King of England is thereby, *virtute coronæ*, King of Ireland? This is not an arbitrary, unmeaning, inoperative rule; its end is the security of the connexion between the sister countries. It is, whilst our Legislatures remain distinct, the single, and perhaps too technical bond, which *constitutionally* holds together these two islands.

What then, if it were not the act of our Lords and Commons, would the Irish appointment of the Regent seem to have done? To have snapped the
only

only *constitutional* link, which held Great Britain and Ireland together. The distinctness which an Irish Parliament would *so* exercise, the independence which they would *so* assert, might, methinks, to a speculator, appear hazardous to the indivisible solidity of the Empire, and lead him to doubt the wisdom of that theory which assigned separate Legislatures to connected countries.

It is not every day that such a signal instance could occur of the *separating* tendencies of our legislative distinctness; but it seems a warranted inference, that the same independence which, on such extraordinary and rare occasions might be asserted at the risk of *breaking*, would, on more ordinary and frequent occasions, be exercised at the price of *loosening* that connexion, which, I confess, it is my ardent wish to preserve.

In 1785 occurred the business of the Commercial Propositions. I mean not to attempt discussing the mercantile tendency of that arrangement, or consequent propriety of its (substantial) rejection; I merely notice the transaction as another example of the effect of our legislative distinctness.

On what grounds was Mr. Orde's bill objected to? principally on constitutional, not commercial grounds.

In the debate,* Mr. Grattan states "a question, " much more high and deep than any commercial "one, to arise: the invaluable question of Constitution, " in which the idea of protecting duties, and *all* "those

* See Woodfall's Sketch of the Debate.

"those commercial details vanish." He objects to the provisions of the bill as "putting an end to the free Constitution of Ireland;" by virtue of the fourth of the twenty British Resolutions, which provides, that the Parliament of Ireland shall subscribe whatever laws the British Legislature may prescribe, respecting certain branches of trade, and respecting navigation. Mr. Flood, too, resisted the bill, on the ground of its "interfering with the legislative authority of the Irish Parliament; of its invading both its internal and external legislation."

Now the Reader cannot but observe that this ground of opposition would not be weakened by the commercial advantages of the proposed system: be this system never so beneficial to the trade of Ireland, the grounds for objecting to it as derogatory from the independence of the Irish Legislature would remain the same; and thus, if the objection were founded in principle and fact, (i. e. if the fourth resolution did really derogate from the authority of the Irish Parliament) Ireland could not, without betraying her constitutional rights, accept a system the most palpably and splendidly beneficial to her trade, which was clogged with the provisions of this fourth resolution.

Yet what after all were those provisions? Only that all laws made, or to be made in Great Britain, respecting certain matters of trade and navigation which were connected with that commercial settlement, should be in force here, by the adoption of the Irish Parliament.

Now, Now,
gladly

Now, I will ask of any candid and impartial man, whether he cannot conceive that, to an ample and liberal, and advantageous commercial concession, it might be very reasonable for England to annex these conditions? so reasonable as that we could not with justice claim the concession without acquiescing in the condition? so reasonable, as that to omit the condition, would be to neglect not only the peculiar interests of Britain, but the general interests of the British Empire?

If this be so, what follows? That our legislative distinctness would prevent our accepting great and manifest commercial advantages, *on the only terms on which England could be expected to concede them*: in short that our legislative distinctness would impede our national prosperity.

Whilst our Parliaments remained distinct, the sister countries might be warranted in holding this language to each other: England might say to us, "unless your Parliament will follow ours, so as to produce a conformity of imperial laws *in pari materia*, we cannot make you these concessions, compatibly with our own commercial security:" to this Ireland might reply, "that thus to conform to what the British Legislature should prescribe, would be to turn the Irish Parliament into a mere registry of the legislative edicts of Britain; and to violate the recognized independence of the Irish Legislature."

Neither objection seems destitute of weight; but Union appears calculated to remove them both; by a Union, adjusted on fair and liberal terms, (and which

which consequently must secure to Ireland an adequate weight and influence in the imperial councils,) there would be secured that uniformity of law, which would disperse all British fears of liberal concession: whilst, at the same time, Ireland would not register the decrees of an English Parliament, but would obey laws enacted by that *common* legislature, of which a due and proportionate number of her own Lords and Commons made a *part*. Thus Union seems to reconcile the apprehensions of Britain with the aggrandizement of Ireland; and commercial advantage with constitutional right.

The idea of *Reform* suggests another possible mischief, which, if it arose, might be traceable to the distinctness of our Legislature.

Suppose one of those plans of what was termed *radical Reform*, which have been submitted to the consideration of our House of Commons, had passed into a law. The whole scheme and theory of representation being thus altered, new powers and interests would arise in the State: the influence of the Crown would be altered, probably much abridged: a striking change of system would take place: affairs would run in a new channel; whether better or worse than the old one, it is beside my purpose to enquire.

Thus we should have a Legislature differently constituted from that of Britain: a Constitution administered on different principles, and in a novel spirit: an Executive Magistrate possessing a different degree of influence, *i. e.* of prerogative, (for influence has in latter days supplied the place of prerogative,) from

from that which he possessed in England. These changes, and dissimilitudes would surely tend to separate the two countries: but these changes would be the consequence of our legislative distinctness; and could not happen if an Union had taken place. But is Parliament competent to enact such Reform? I have never heard their competence questioned in this respect. Yet it might be asked, shall a representative body, whose return was the exercise of certain franchises possessed by their constituents, turn their delegated powers against those by whom they were entrusted, and impair, by force of their authority, those very rights and privileges by virtue of which that authority has been conferred? In new-modelling the constituency of the kingdom, such schemes of Reform as we have seen proposed, (and they might have been adopted) would necessarily involve a meddling with the subsisting rights both of individuals and bodies politic; an abrogation or abridgement, of present individual and corporate franchises. Shall burgesses be held competent to open boroughs, and thus dilute and impoverish the franchise of those *select* constituents who returned them? Shall knights of shires, by a new chart of political division, turn counties into districts, and confer privilege on those who had it not, at the cost of those who had? Might not an elector, displaying the poor remnant of elective privilege which had been left him, be warranted in thus remonstrating with his Representative Reformist: "I appointed you to protect my interests; and, behold! you have injured

injured and betrayed them." These, and such like objections, are manifestly insufficient ; yet plausible, perhaps, as any which could be urged against the competence of Parliament to enact Union.

That the authority of the Irish Legislature has this extent, is a point on which I, (for my part,) entertain *not the slightest doubt*. My opinion is founded on precedent : on the mischiefs which must result from a contrary doctrine : on the express authority of constitutional writers ; and on the genuine principles of our Constitution.

By enacting Union, Parliament would do no more than *change*,—it would not surrender, or subvert the Constitution. This Country would, after a legislative incorporation, be still governed as at present by three estates, and her inhabitants possessed of all the privileges of the British people. We should find amongst the imperial legislators, Irish lords and commons, bearing to the whole Parliament the same proportion, that Irish resource and contribution bore to those of the entire Empire. What constitution does Ireland enjoy now? —the British. After Union, she would enjoy the same ; if it be true that Wales or Yorkshire now enjoy the benefits of that establishment ; for as those parts of the imperial territory now possess, so would Ireland then enjoy, a share in the imperial legislation.

It is absurd to say that that has been surrendered, which is still enjoyed : a legislative incorporation would leave the principles of the Irish Constitution unimpaired ; and would but *alter* the means, by which those principles are wrought into practice, and effect.

Therefore

Therefore to affirm the competence of the Irish Parliament to conclude an Union, is merely to assert their right to *change* the Constitution; and not to insinuate that they have authority to subvert it.

This view of the subject turns the act for septennial elections into a direct precedent in point. Under the limitations of that act, Parliaments sit at this day; and upon its validity may depend the force of all statutes which, since its enactment, have passed for the latter years of the duration of each successive Parliament. What confusion must arise from impeaching the efficacy of that Statute! Yet here seems to me to be the alternative. *If* Parliaments have authority to change the Constitution, the Irish Parliament is competent to bind this country to an Union; *if* they do not, (in even essential matters) possess this right of altering, then the statute for septennial elections is invalid.

There is no more ascertained, and scarcely any more important, principle of our Constitution, than that which makes the Crown of these Kingdoms an hereditary right. His being heir will be the *sine qua non* of the Prince of Wales's succeeding to the Crown which his father now wears; who, in like manner, mounted the Throne on the demise of George II. *because* he was his heir.

Yet, even this principle bends before the supremacy of Parliament; even this principle is susceptible of legislative change.

If

If the Legislature hath a right to *change* the Constitution, it seems to follow, that our Parliament is competent to enact Union ;—but, if the Legislature possessed no such right,—if, for example, they could not new-model the succession to the Crown, (a most important constitutional change indeed!) then we should be driven to admit that they were Rebels who conquered at the battle of Culloden ; and that his Majesty is not rightful possessor of the throne : a doctrine so ruinous, and full of treason, that I shrink from inserting it, even as an hypothesis.

The constitutional dependence of our religious Establishment on the competence of Parliament to change the Constitution, is a topic which I am content to hint ; not thinking it necessary to enlarge upon it.—That to change the established religion* is to alter the Constitution, cannot be denied by those who recollect how blended political rights are with religious opinions, and who acquiesce in the constitutional doctrine of connexion between Church and State.

To controvert the right of the Irish Parliament to conclude an Union is, by inevitable implication, to deny the validity of that Scottish incorporation, which was concluded by the not more competent Parliament of Scotland.

When I recollect that the uniting of England and Scotland was the late, final, and deliberate accomplishment

* As was done in the reigns of Henry VIII. Edward VI. Mary, and Elizabeth.

plishment of a measure, which, for more than two Hundred years, had been looked to, as of the utmost importance to the wealth, strength, and tranquillity of the whole Island,—I hesitate to admit that doctrine of Parliamentary incompetence, which must, at once, efface and nullify so solemn a transaction, and degrade it, from a coercive legislative ordinance, to a merely precarious arrangement, which derives its entire efficacy from the acquiescence of the Scottish Nation, and to which Scotland might, constitutionally, put an end.

My hesitation increases, when I cast my eye along the list of Commissioners, and find it a roll of Statesmen and of Lawyers: a bright collection of the virtue, the wisdom, the legal, and constitutional knowledge of *both Countries*. That these, by acting under the authority of their respective Parliaments, should have sanctioned the manifest usurpation, or overlooked the utter incompetence, of the Scottish Parliament, is a supposition, which it is hard to entertain: that they should have clothed, in constitutional forms, a gross infringement of the Constitution, and bestowed much pains, and time, and solemn deliberation, on the achieving of a mere act of tyranny, which could create no constitutional obligation, and might sow the seeds of discord, blood, and insurrection,—to suppose that they should have done all this with their eyes open, is very difficult, and it is scarcely easier to admit that incompetence to be so manifest, to which they appear to have been so blind.

When

When I read that "the Lord Somers had the chief hand in projecting this scheme of the Union," and took a principal share in framing the articles, I scruple to deny that competence which he practically recognized: I scruple to impeach the authenticity of an act, which flowed principally from him who framed the Bill of Rights.

But Lord Somers, (it is said,) was an Englishman: what was the competence of the Scottish Parliament to him? It was a matter of the greatest moment to him, as an Englishman. It was that on which, as its foundation, rested the efficacy of that Union, of which the object was to promote the strength, and tranquillity of the *whole Island*: that Union, which could not be valid, if the Scottish Parliament was incompetent; and which, if invalid, would tend to aggravate the mischiefs which it was meant to cure.

But besides, I perceive the roll of Scotch commissioners to contain much of the dignity, and, (as may be presumed,) the constitutional knowledge of Scotland. To these at least the objection made to Somers will not lie: these at least were bound by their integrity, their patriotism, their interests, not only to secure equitable terms of Union to *their native land*, but to see that the Scotch Parliament was not transgressing its constitutional authority, or trenching on the liberties of the people: to take care that they were not rearing a fabrick, which had no constitutional foundation; and which might one day fall, and crush the peace and happiness of Scotland.

But

But let us observe the fatal, and subversive consequences, which must result from a denial of the competence of the Scotch Parliament to enact Union. On the validity of that act, depends the title of his Majesty to the Crown of the United Kingdom. If it be null, there is no such political being as the King of Great Britain. The second article of the Union is the only act of settlement, which limits, to the house of Hanover, the succession to that United Monarchy, which the first article had created. If this Union be invalid, the hereditary principle of the Scotch Constitution stands in the way of our Sovereign's title to that Crown: his Majesty possesses no dominions north of the Tweed; and the heir to the House of Stuart is the rightful King of Scotland: an hypothesis which no loyal subject can admit.

The statement of this ruinous inference seems sufficient to warrant us in denying the premisses which lead to it, viz. the incompetence of the Scottish Parliament, &c. But this, though quite sufficient, is not all. The train of mischiefs which follow this impeachment of the Scotch Union are very numerous. If that incorporation was invalid, what attention, or observance, is due by Scotland to any legislative ordinances which have been made since 1707? How is Britain, how is England, bound by the acts of that unconstitutional assembly, miscalled the British Parliament, which has been sitting at Westminster for the last ninety years? Acts wherein, in one house forty-five, in the other sixteen, *strangers* conspired; and for aught we know, (by constituting the majority) brought

brought them about. What becomes of the force of that act of renunciation, which passed in 1783, and which Ireland has vainly mistaken for the corner-stone of her liberties, and Constitution?

But I have heard it suggested, that the Scotch Parliament having been a body differently constituted from the Irish, their competence will not establish ours. I deny that any substantial difference can be shewn, though some distinction might, between the organization of the Scotch and Irish Parliaments. Both legislatures are composed of three estates; and the admixture of the Scots lords and commons, under the terms of Union, with the English, proves that each branch of the Scottish legislature assimilates with ours.

But let the Constitution of the Scottish Parliament have been what it may, it cannot, if the following authorities have any weight, have differed from the Irish by being more supreme; nor consequently can it have been more competent than this latter, to conclude an Union.

“ The power and jurisdiction of the Parliament,” says Sir Edward Coke, “ is so transcendent, and “ *absolute*, as it cannot be confined within any bounds. “ Of this Court it is truly said, *si antiquitatem* “ *species*, *est vetustissima*: *si dignitatem*, *est hono-* “ *ratissima*: *si jurisdictionem*, *est capacissima*.”

“ *Huic ego nec metas rerum, nec tempora pono.*”

4th Institute, 36.

When Sir Edward Coke wrote this, Parliament had already, (in the reigns of Henry VIII, and his three
“ *Children*,)

children) amply exercised this transcendent power: it had changed the constitution, by new-modelling the succession to the Crown, and altering the established religion of the land. This fact may serve as a comment on the text of Coke; who, in the passage above cited, not only recognizes their authority to this extent, but, probably, had in his mind the competence of Parliament to change the Constitution, when he bestowed on its jurisdiction the epithets of "absolute, and transcendent."

Judge Blackstone, (who wrote subsequently to the acts of Settlement and Union, in the reigns of William the 3d, and Anne,) in treating of the Parliament, pronounces, that "it hath sovereign, and uncontrollable authority: this being the place where that ABSOLUTE, DESPOTIC power, which must in all governments reside somewhere, is intrusted by the Constitution of these Kingdoms."

Commentaries, Book 1st, c. 2d.

As circumscribed Despotism, and limited absolute power are things, of which I find it difficult to conceive an idea, I should think that the authority of Parliament to bind this Country to an Union flowed, by inevitable inference, from the principle above cited; and I should smile at their scruples, who declined investigating the utility of a measure, until they should first ascertain whether absolute power was competent to atchieve it.

Blackstone, however, has saved us the trouble of even so obvious a deduction; for, following up his theory, he informs us that Parliament "can

“ new-model the succession to the Crown: can alter the established religion of the land; and can change, and create afresh, even the Constitution of the Kingdom, and of Parliament themselves; as was done by the act of Union, and the several Statutes for triennial and septennial elections. It can, in short, do every thing that is not naturally impossible; and therefore some have not scrupled to call its power,” (i. e. the power which the Constitution has entrusted to it) “ by a figure rather too bold, the omnipotence of Parliament.” Ibid.

Thus, if the competence of Parliament be denied on the ground that Union will change the Constitution, I answer from Blackstone, that Parliament has authority to change it. If the object be that Union will change the Constitution of the Parliaments themselves, I reply from Blackstone, that Parliament is competent to effect such a change; and if it be asserted, that Union is however not that species of alteration in the Constitution of the Kingdom, or the Parliament which our Legislature is competent to bring about, I, on the contrary, observe that the act of Union is expressly given by Blackstone, as an instance of the sort of changes which Parliament may constitutionally effect.

I have heard objections to the competence of our Parliament to enact Union, founded on positions of Lord Coke, which are to be met with in 4th Institute, c. 1. pages 42, 43; but the dicta do not seem to me to support the objections.

Lord

Lord Coke only affirms that “ acts against the “ power of the Parliament subsequent, bind not,” for that “ *leges posteriores priores contrarias abrogant.*”

Now, as an act of legislative incorporation will not tend to *abridge* the *power* of the united Parliament, or to *render it less supreme* than the distinct legislatures are at present, the Parliament of Ireland will not violate Lord Coke’s maxims, by ratifying a treaty of legislative Union: it will modify the organization of the legislative corps, consolidating their distinctness, and converting them from two to one; but it will leave the transcendent powers of the thus modified assembly unimpaired: it will not “ *restrain the jurisdiction and power of the*” (future) “ *Parliament,*” which is what alone, Sir Edward Coke doubts its competence to perform. “ Though divers Parliaments have attempted to barre, restrain, suspend, “ qualifie, or make void subsequent parliaments, “ yet could they never effect it; for the latter parliament hath ever power to abrogate, suspend, “ qualifie, explain, or make void the former, in the “ whole or in any part thereof, notwithstanding “ any words of restraint, prohibition, or penalty, in “ the former.”

4th Institute, 43.

And why is this so?

Because, “ it is a maxim in the law of Parliament, *quod leges posteriores priores contrarias abrogant.*” Ibid.

If

If the rule, as laid down in the former of these two extracts, was obscure, the writer's meaning might be collected with certainty from the latter; in which he assigns the reason for this rule. The rule, undoubtedly, is no more than this, that a prior Parliament shall not abridge the transcendent supremacy of a subsequent one. But a legislative Union will not restrain the authority of the future Imperial Parliament; and therefore may be concluded without violating a maxim in the law of Parliament. Neither will Union "make void subsequent Parliaments;" it will leave Ireland her three estates: it will "make void" the distinctness of "subsequent Parliaments," not the Parliaments themselves; and will only modify the system of the Irish Legislature as far as the incorporating change renders necessary, and no farther than is compatible with preserving the substance and spirit of our Liberties and Constitution.

But if the future, imperial Parliament be supreme, may it not "abrogate" the treaty of Union, and repeal all the benefits which its articles concede to Ireland?

Undoubtedly that *absolute* power which the Constitution of these kingdoms entrusts to Parliament, will have this physical extent. A Parliament may abuse its sovereign authority; but it does so at the risque of entitling the subject to throw off that government which has become an instrument of oppression, and recur to first principles, to resistance, and insurrection.

Parliamentary

Parliamentary authority has no limits known to the Constitution: by the principles of that Constitution it is *boundless*: but it is exercised at the peril of those to whom it is entrusted; and they will be cautious how they commit that extreme abuse, which will constructively subvert the Constitution, efface all artificial regulations, and, letting in the paramount rights of human nature, overwhelm the powers of Parliament in revolution. *At this risque*, I conceive that the Imperial legislature might at any time disregard and repeal the articles of Union: but in the danger of the attempt I see some security against its being made; and mean time, in the identity of Imperial interests, in the Irish share in Imperial councils, and in the due proportion of Lords and Commons sent by Ireland to the common legislature, I discern some protection of Irish rights, and some guaranty against their violation. The Imperial Legislature *may* be competent to disfranchise Wales or Yorkshire, or to violate the terms on which the sister countries became united; but I see no *moral* possibility of their applying their absolute authority to such purposes.

I think I have interpreted truly the meaning of Lord Coke; and to those who adopt a different construction, and turn the passages, which I have cited, into an objection to the competence of the Irish Parliament to conclude an Union, I should recommend it—to compare the doctrines of Blackstone (already quoted) with their interpretation; and also to consider well whether they be not denying—on the authority of

of Lord Coke, the validity of the Scotch Union, and the title of his Majesty to the throne of Scotland.

Judge Blackstone, in the first chapter of his first book, enumerates *all* the rights and liberties of Englishmen, as bestowed by that Constitution under which we also live. These, according to him, consist *primarily* of personal security, personal liberty, and private property; and *subordinately* (and as auxiliary to those three great primary Rights) consist of *the powers and privileges of Parliament*: the precise limitation of the Royal prerogative: the right of applying to the Courts of Justice for redress of injuries: —in case of any uncommon infringement of the rights before mentioned, a right of petitioning the King or either House of Parliament for relief; and, lastly, the right of having arms for their defence.

In this enumeration, which professes to embrace *all* the rights which English or Irishmen possess, I find *the powers and privileges of Parliament** classed among *the liberties of the People*; but I look in vain for the right which I now hear claimed for the populace, of ratifying, or reversing, by their consent or dissent, the act of their Legislature.

In the Dublin Evening Post of Saturday, January 26th;† the following arguments against the competence

* We have already seen, from the same writer, how extensive and absolute these powers are.

† In which I find the following paragraph, which strikes me to be a gross libel on the House of Commons, and breach of the privileges of Parliament. In that paragraph it is stated that “ Thursday night presented an interesting scene in the

“ House

tence of Parliament to enact Union, are attributed to a very respectable gentleman, Doctor Browne of the College; and are called a refutation of those which I used in Parliament, and have here repeated.

“ Mr. Browne entered into a *refutation* of Mr. Smith’s arguments; he had apprehended at first “ it would be necessary for him to express his dissent “ from the arguments which that learned gentleman “ had advanced in support of the competency of “ Parliament to enact an Union; but he was sur- “ prized to find in the close of the Honourable “ Gentleman’s speech, that they both perfectly “ agreed in opinion; for, at the long run, it turn’d “ out that the learned Gentleman was *only* endea- “ vouring to prove that, *so long as the Constitution “ lasted*, the Parliament was competent to enact any “ measure; because, when they violated any of the “ fundamental laws of nature, then *the Constitution “ was dissolved*.”

This argument, as I conceive, proves absolutely nothing, unless we concede what Doctor Browne is made tacitly to *assume*, and which I utterly deny, that to conclude an Union, is to violate the fundamental

“ *House of Commons.*” And what was this scene in the *House of Commons*? and who were the actors? the *honest* “ gentlemen “ of Ireland” (*in that House*) “ contending for the liberties of “ Ireland, against a corrupt Minister, and *his corrupt Phalanx*,” (*in that House*;) “ patiently maintaining a fight, for 21 hours “ one time, for 18 hours the other,” (*the duration of each Debate*,) “ which exhibited the strongest opposites of political vice “ and virtue,” (*in that House*).

mental laws of nature, and to dissolve the Constitution.

Blackstone appears not to have been aware that such was the effect of legislative incorporation: probably that frivolous writer conceived that Union only *changed*,* without *dissolving* the Constitution: that it only altered the *means* by which the *ends* of the Constitution should be attained: that it operated not on the *substance*, but only on the *modes and forms* of our establishment. He cannot have agreed with the mis-reporter of Doctor Browne's argument, that legislatively to incorporate our Parliament with that of Britain, would be to dissolve the Irish Constitution; for Comment. vol. i. p. 160, he pronounces Parliament to be competent to enact Union; and, in p. 161, he denies that Parliamentary supremacy can survive the Constitution †—These passages would be contradictory, if the learned commentator conceived that to conclude an Union would be to subvert the Constitution.

I cannot hesitate to conclude that the argument of this respectable and Constitutional Lawyer, Doctor Browne, is misrepresented;—for (as given in the Paper) it proves nothing, unless that learned Gentleman assume that Union must dissolve the Constitution of this Country; and this he never can have intended

* And so to change, he pronounces to be within the competence of Parliament, (p. 160.)

† His words are—"so long as the English Constitution lasts, " we may venture to affirm that the power of Parliament is absolute, and without control."

intended to do ; since it would be by a side-wind to pronounce, that the Constitution of Scotland has, for the last 90 years, been in a state of anarchy and dissolution : that his Majesty is but King of England, and not of Great Britain ; and that Irish Independence, founded on the act of renunciation—is a baseless fabrick.

Montesquieu, in the eleventh book “ de l'esprit des Lois,”—treats “ des lois qui forment la liberté politique, dans son rapport avec la constitution ;” and the book opens as follows.

Idée generale.

“ Je distingue *les lois qui forment la liberté politique dans son rapport avec la Constitution*, d'avec *celles qui la forment dans son rapport avec le Citoyen.* Les premières feront le sujet de ce livre ci.”

The Law of Parliament clearly comes within the description of those, on which this book professes to treat : it is emphatically that species of Laws—“ qui forme la liberté politique, dans son rapport avec la Constitution.”

Let us see then what Montesquieu's opinion seems to be of the power of Parliament, as this opinion may be collected from the 6th chapter of this book, in which he treats of the British Constitution.—“ Quand les Députés représentent un corps de peuple, comme en Hollande, ils doivent rendre compte à ceux qui les ont commis : c'est autre chose lorsqu' ils sont députés comme en Angleterre.”

The reason why the deputies of the united provinces are accountable to those who commissioned them, is very obvious: it is because in the federative congress in which they assemble, they represent the towns or provinces which appointed them, much as a *Chargé des Affaires* represents the state from which he comes: but very dissimilar is the situation of a member of our House of Commons: he represents not exclusively the constituents who returned him, but becomes a part of the national representative body; and when Montesquieu informs us that he is not accountable to those who have elected him, does it not follow that these electors have no constitutional right to ratify or reverse the ordinances of their legislature?

“ Le grand avantage des Representans, c'est qu'ils sont capables de discuter les affaires: le peuple n'y est point du tout propre: il ne doit entrer dans le gouvernement que pour choisir ses Representans.”—Having done this, the people, according to Montesquieu, is *functus officio*; and it is obviously incompatible with the spirit of his opinions, to require their consent towards confirming the act of their Legislature: indeed it may be said in the language of the same writer, (c. 2.) that those who claim such a privilege for the populace—“ ont confondu le pouvoir avec la liberté du peuple.”

Another passage from Montesquieu (c. 11.) and it is the last which I shall cite,—appears to me to bear materially on the present question.

“ Il y a toujours, dans un état, des gens distingués
 “ par la naissance, les richesses, ou les honneurs :
 “ mais s’ils étoient confondus parmi le peuple, et
 “ s’ils n’y avoient qu’une voix, comme les autres,
 “ la liberté commune seroit leur esclavage, et ils
 “ n’auroient aucun intérêt à la défendre, parce que
 “ la plupart des résolutions seroient contre eux. La
 “ part qu’ils ont à la législation doit donc être pro-
 “ portionnée aux autres avantages qu’ils ont dans
 “ l’état : ce qui arrivera, s’ils forment un corps, *qui*
 “ *ait droit d’arrêter les entreprises du peuple*, comme
 “ le peuple a droit d’arrêter les leurs. Ainsi la
 “ puissance législative sera confiée et au corps des
 “ nobles, et au corps qui sera choisi pour représenter
 “ le peuple.”

On the above passage I should make the following remarks: *First*, that Montesquieu appears to consider the lower House of Parliament as being, to all legislative purposes, the people. Our Lords and Commons are exclusively the subject of his discourse; and having twice described the latter as “ *le peuple*,” he at the close designates them with more precision, as “ *le corps choisi, pour représenter le peuple*.” He too well understood the spirit of our Constitution, not to know that the Commons really *represent* the people: that these latter possess no *direct* right of legislation: that there lies to them no legislative appeal. The members whom they return are their representatives, not their slaves: they are their legislative plenipotentiaries, and not the mere heralds of their transient caprice.

Secondly,

Secondly, I would observe that balance is the grand characteristick of our Constitution: that the privileges of our nobles have the preserving of this equilibrium for their object; and that whatever safety and protection their legislative control and distinctness affords to the national aristocracy, would sink and be destroyed, (and overturn, in its fall, the balance of our Constitution,) if the principle were once admitted, which subjects the decrees of our Parliament to the revision of our populace: which practically declares our Lords to be a useless state excrescence; and refers the ultimate sanction of our laws non ad populum, sed ad plebem.

" It may here perhaps be a digression neither in " itself absolutely improper, nor entirely useless for " illustration of the subject before us, to observe that " the British Constitution is a *composition of all the* " *legal, simple forms* acknowledged by the Greeks: " monarchy, oligarchy, aristocracy, and democracy. " Monarchy with us perfectly accords with the " Grecian sense of the term. The Lords form the " oligarchical part of the Constitution; and the House " of Commons properly the aristocracy; being " composed of persons elected by the people *to legislative authority*, for merit, real or supposed. The " *democratical principle, equal law*, or in the Greek " term, *IIsomy*, singularly pervades the whole;" rendering, with exceptions too rare and trivial to merit notice, the highest ranks of the " people sub- " ject to the same laws, the same burdens and the " same judicature with the meanest citizen. *Rights* " of

“ of election, trial by jury, and parish and tything offices, together with the right of addressing and petitioning either the executive, or any branch of the legislature, form a large democratical power, more wisely given, and more wisely bounded, notwithstanding some defects, than in any other government that ever existed.”

The above passage, which I have extracted from Mr. Mitford's excellent and philosophical history of Greece,* seems to supply the following observations: *First*, that a constitution which is compounded of the simple forms, cannot admit that principle of a necessity for plebeian sanction to legislative decrees, which would simplify this mixed government to a turbulent democracy: *Secondly*, that from persons invested with “legislative authority,”—there cannot lie an appeal to those who cloathed them with such authority; for if there did, this appellate jurisdiction would in fact be the legislature.—*Thirdly*, that when the historian was defining the democratic power, which our Constitution has conferred on the body of the people; he would not have omitted so conspicuous a branch of it, as the right (now claimed on behalf of our populace†) of ratifying or reversing the decrees of their legislature, by their approbation or dissent:—He would not, I say, have omitted it, if he conceived it to exist.

Having

* Vol. i. p. 231.

† See Bar Debate—County and City Resolutions—An Address to the People—Pamphlets—Anti-unions—And Anti-uniorist's passim.

Having thus considered the question of parliamentary competence on the grounds of precedent, and authority, as well as of the mischiefs to which a denial of it would tend, it only remains for me to discuss it upon principle.

In fact this has already been done very ably, and satisfactorily, by the author of a pamphlet, entitled, "Reasons for adopting an Union;" nor have I found it possible altogether to avoid the discussion of principles, whilst I was more peculiarly arguing the question on precedent and authority. Indeed, had it even been possible, I should not have tried to avoid seasoning in this manner the insipidity of such enquiries.

Are not those writers founded *in principle*, who assert with Blackstone, that "absolute, despotic power must, *in all* Governments, reside *somewhere*?" Undoubtedly they are; and those very persons, who deny the competence of the Legislature to enact Union, yet recognize a power in the populace of sanctioning this, or any measure by their express consent, *i. e.* (not very conformably to the mixed nature of our Constitution,) they lodge with the populace the absolute power of the State.

If despotic power must reside somewhere, it only remains to enquire where our Constitution has placed it.—With the King? No.—With the Lords? No.—With the people? No.—The British system has lodged the Despotism of the State, *jointly*

jointly with the King, the Nobles, and the People ;
acting *by their representatives in Parliament.*

Is not Parliament the *Sovereign* authority of the State ? Can any thing be imagined superior to the Sovereign ? And do not those who invest the body of the people with the power of atchieving that by their consent, which they deny the Parliament to be competent to perform, set the populace above the Sovereign power of the State ? Who, but an Irishman, could understand this *subordinate supremacy* of Parliament ?

But such doctrine involves something far more mischievous than a blunder : it subverts the principles of our Constitution : makes the populace the Sovereign, and the Government a Democracy. *Le peuple le veut*—should form the mobbish assent to public Acts : *le peuple s'avisera* is a form, for which, I fear, there would be little need !

If the many-headed monster is thus to guard the Constitution, and become Viceroy over its sovereign parliament,—if it is to be invested with a legislative Veto, better would it be, to appoint Tribunes at once. The interposition of such a Magistracy would soften the exercise of this tumultuary power : we should, besides, know the nature of the Government beneath which we lived ; and not delude ourselves by the resemblance of a mixed Constitution, whilst in fact we were the slaves of a despotic democracy.

In short, if we must change our Government for a Republic, I wish it to be done openly :

but

but I am far from desirous of such a change. I learned from the text of Montesquieu, before I had yet perused the bloody commentary of France, that "la Démocratie, et l'aristocratie ne sont point des Etats libres : il est vrai que dans les Democratiest le peuple paroît faire ce qu'il veut ; mais la liberté politique ne consiste point à faire ce que l'on veut : la liberté politique ne se trouve que dans les gouvernemens moderés." I therefore cling to our mixed and moderate Constitution ; and to the sovereignty of our Parliament, as one of the principles on which it stands : I deprecate a Republic ; but if we must have one, I at least wish that we may not be entrapped by a *Republic in disguise*. But, forsooth, it is only upon *extraordinary* occasions, (such as this of Union) that these millions of Ephori claim to review the decisions of their Sovereign Legislature ; and deny the competence of Parliament to make laws without their express consent !* That is to say, *the populace* are, under certain circumstances, constitutionally entitled to dictate to their Parliament ; and *the same populace* are to decide whether those circumstances have arisen !—The populace is to resolve itself into a committee of the whole Nation, to enquire whether their right of popular despotism has accrued ; and by the report of this Mob—is their title to be ascertained !

I have always understood that our Nobility formed an *independent* branch of the Sovereign power

* See Anti-union, No. 14.

power of the State: as independent of the popular branch, as this latter was of it. Montesquieu informs me that the Peers should not be confounded with the body of the people, but should form apart “un corps, qui ait droit d’arrêter les entreprises du peuple.”—Methinks in the system which requires, towards ratifying an act of Parliament, the express consent of the body of the people, I discern a plain subversion of the independence of the aristocracy.

I see their privileges lost and swallowed in the claims of the remaining classes of the people: I find that authority of our nobles, which ought to balance the power of the people, kick the beam: in the exorbitant liberty of the populace, I behold the slavery of the Peerage;* and I lament over the destruction of that legislative equilibrium, on which depends the freedom and excellence of our Constitution.

I have always fancied that the King was an *independent* branch of the Sovereign legislature; but the writers of the day inform me, that “the Parliament,” (consisting of KING, Lords, and Commons) “will usurp, if they assume a power to enact a certain law, called Union, without the express consent of “the people.”†

Here we behold the independent Crown, as well as the independent Peerage, made subservient to the wishes of a domineering populace.

C

The

* “S’ils étoient confondus parmi le peuple, la liberté commune seroit leur esclavage.” Montesquieu.

† See, amongst other Publications, Anti-union, No. 14.

The Lords make a part of the people ; and no less a man than Montesquieu conceives, that, towards preserving their liberties, and *maintaining the Constitution*, it is necessary that they should not be mingled in the common mass of population, but that they should opine distinctly, and *independently* ; and should check, as well as be checked by, the other classes of the community. This mutual control is practicable, so long as the populace do not pretend to legislate, save by their representatives ;* but what becomes of this reciprocal check, if we admit the doctrines of the day, that the noble portion of the people having concurred with King and Commons in enacting a certain measure, an appeal lies from these *independent* Nobles, to the less distinguished inhabitants of Ireland ?

But Legislators (it is said) are on'y competent to make laws under the Constitution : they have no right to meddle with the establishment itself.

What a vain and idle distinction ! how unsupported either by reason, or by facts ! The Habeas Corpus act—the act of Settlement—the bill of Rights—(the Reader's memory will readily enlarge this list.)

Have to operation of these laws, to the consequences of

* Montesquieu thinks they should no otherwise interfere.—

“ Il y avoit un grand vice dans la plupart des anciennes Républiques ; c'est que le peuple avoit droit d'y prendre des résolutions actives : il (le peuple) ne doit entrer dans le gouvernement, que pour choisir ses représentans ;” and we have already seen that he does not hold these Representatives to be accountable to their Constituents.

Have these legislative acts no connexion with the Constitution? or if they have, were the Parliaments incompetent to enact them?

This silly limitation of the competence of Parliament (silly, because the laws of a country are intimately blended with the Constitution,*) is exactly conformable to the doctrine preached by Paine, and practised by the French. It is that profound, and modest statesman, Mr. Paine, who has informed us of the different functions of the first and second, (the constituent and legislative,) assemblies of France.—The former, he says, was appointed to *make a Constitution*: the latter—to *legislate, according to forms prescribed*.

This may be the constitutional theory of France; but it is not that of Britain. Our's is not one of those obstinate and incorrigible systems, which must hobble on through ages, accumulating abuses, or only getting rid of them by periodical revolution: Our Constitution admits the principle of self-correction; Steady to its objects, which are freedom and good order, it pursues the path which the period supplies, for their attainment; and possesses, in the boundless competence of its legislature, the means, as it rolls its blessings through ages, to posterity, of peaceably and imperceptibly adapting itself to circumstances as they arise: of attending, with suitable provisions,

* Montesquieu was aware of this, when he treated of the Constitution of England, under the head “des lois qui forment la liberté politique, dans son rapport avec la Constitution.”

provisions, the successive changes of powers, and interests, manners and opinions, and of keeping pace with time, by safe and gradual innovation.

But it is said that if the legislature be despotic, it is tyrannical. Yet those who raise this objection, propose a system, which does not abridge the despotism, but merely transfers it from Parliament to the populace.

They ordain a legislative appeal from the three Estates to the people: from the Sovereign to the subject.

By Solon's Constitution, (against his own desire, but agreeably to the rooted prejudices of his country) "to every free Athenian was preserved his equal vote in the *assembly of the people*, which (assembly) remained *supreme*, in all cases legislative, &c.—A foundation of evil (adds the Historian*) so broad, that all the wisdom of Solon's other Regulations was weak against it. Yet his other Regulations were replete with wisdom."

Now, those who insist, in certain cases, † on the necessity for popular assent, to ratify legislative acts, seem to me to render the *assembly of the people* supreme in legislative cases; and thereby not only to lay an incurably broad foundation of evil, but directly to violate the principles of our mixed Constitution.

Absolute power must exist in every state. In monarchies it resides with the King: in Oligarchies and Aristocracies,

* Mitford.

† Which, whether they have arisen, the people is itself to judge.

Aristocracies, with the Nobles and eminent men; and in Democracies, with the People.

In the British Constitution the same absolute power exists; but it is distributed between the King, the great men, and the body of the people. *In this distribution, and not in the limited or controllable authority of the sovereign legislature, is found the security for the public freedom;* and the answer to those who ask what difference there is between the despotism of five hundred legislators, and that of a single Nero?

The sovereign Legislature of a mixed Government is composed of bodies extracted from the various orders and interests in the State; and the branches of this Legislature being independent of each other, no concurrence can be obtained, nor consequently any act of sovereignty be performed, except on the terms of a compromise, in which the interests of all parties are duly consulted; as well the interests of the distinct legislative bodies themselves, as of those more publick and national interests, which they respectively represent.

Thus the subjects of the British Constitution are governed (as the subjects of every state must be) by a sovereign, and absolute power; but in the distribution of this despotism, the British subject finds his security against its being abused.

He is governed by a Legislature, composed of the various interests of the State, and consequently where every interest is protected from tyranny and invasion: he is governed by legislators, who, by the principle of

equal

equal law, are subject to the burthens or punishments which they impose : he is governed by rulers, whose interests identify with his own ; and by a despotism which is so lodged, as to be harmless.

The difference between the despotism of the British legislature, and a tyranny, consists in that principle of mutual check, and balance, which pervades the legislative body. But this balance (which is the security of the subjects liberty,) is at once subverted, by that fashionable system which disputes the competence of the three estates, and would vest the right of legislative supremacy with the body of the people.

But if, spite of the security afforded by its frame, and composition, the Legislature should at any time tyrannize, must the people patiently endure oppression ? I am far from maintaining any such doctrine. There are extreme cases, where an oppressed people would be warranted in rising against its tyrants, and shaking off their yoke : but they would, in doing so, be exercising no rights conferred by the Constitution ; but recurring to the paramount and unalienable rights of human nature.

I only contend that a right of revolt is not a constitutional privilege ; but on the contrary results from, and presupposes, the destruction of the Constitution : that, whilst the political fabric holds together, Parliament is absolute, and without control :* that to doubt its competence, is to doubt the existence of the Constitution ;

* Blackstone's Commentaries, page 161.

Constitution ; and that from its decrees there lies no appeal, but to the sword.

Parliament being the only organ of the sovereign will, which the political system of these countries has recognized, an Union, however beneficial or necessary, could be no otherwise, than by Parliament, *constitutionally* brought about ; inasmuch as that “ devolution of power” from the three estates “ to the people at large,” which a denial of Parliamentary competence must imply, would “ include in it a dissolution of the whole form of Government ; reduce all the members to their original state of equality ; “ and, by annihilating the sovereign power, repeal “ all positive laws, and compel us to build afresh “ upon a new foundation.”*

Surely we shall hesitate to deny the competence of Parliament, since in doing so we overturn the fair edifice of our Constitution, and substitute misrule, and anarchy, for order.

What then are the limits of legislative dominion ? In the Constitution, none. Parliamentary authority has no boundary, but revolt.

If an Union with Great Britain appear calculated to promote the welfare of this country, it is to be presumed that we shall not take arms against our own prosperity, and dissolve that Constitution, by whose dissolution alone we can terminate, or abridge, the omnipotence of our Legislature. Thus, I am warranted to discuss the advantages of Union ; since I cannot shew this measure to be serviceable to Ireland,

* Blackstone's *Commentaries*, page 161.

Ireland, without at the same time proving that Parliament is competent to achieve it.

No act that is beneficial, can be illegitimate: no legislature can be incompetent to procure the happiness of the nation. A contrary doctrine would arrest Government in its progress to that end, for the attainment of which, it was originally framed.

The opponents of Union never fail to describe it as a surrender of Irish Independence: permit me here, once for all, to deny the justice of this description: Union is no surrender of our national Independence: it is merely an incorporation of our national distinctness.—To blend two substances together, is not to lessen the quantity of either; and so far am I from conceiving that, by legislative incorporation, we shall surrender our independence, that, on the contrary, my opinion is that we shall encrease it;—if a full and real participation in the privileges of the British Constitution be independence. Union is merely a local transfer of our Legislature: a changing of the centre, from which its power shall emanate: it is no annihilation of the free spirit of our Constitution:

“ *Morte carent anime,—semperque, priore reliquâ*
“ *Sede, novis domibus habitant, vivunque, receptæ.*”

But it is objected that in this transfer, we abridge the numbers of our legislative body. The objection is answered by observing, that, if equitable terms of Union be proposed, we shall elect, to the common legislature, a sufficient number of Lords and Commons, to give us an adequate, protecting weight in the

the imperial Councils ; and thus shall have as good security for partaking fully in the benefits of the common Constitution, as is possessed by the population of any territory in the Empire.—Do the inhabitants of Ireland, in their present horde of Legislators, find a surer guaranty of freedom and protection, than (to recur to our hackneyed example) is possessed by those of Yorkshire ?—Yet these latter stand at present in the very same situation in which, if an Union on fair terms were concluded, we should stand : their representatives form part of the British legislature : their interests form a part of the common interest of Britain.

It has often struck me, that if any person were to come in, during the height of a Debate upon the subject of Union, and, ignorant what the intended measure was, were to hear it reprobated as a base surrender of our Liberties and Constitution, he would never guess that the only question was, Whether or not we should incorporate with Britain ? he would never guess that the measure, which was represented as being so mortal to our Liberties and Constitution, would not only leave us under the mixed government of three estates, *and consequently leave the Irish subject possessed of whatever liberty is secured to him at present*, but would put us at once into the *actual and full possession* of the best and freest Constitution upon earth.

Much of what is urged, as argument, against an Union, seems founded on this erroneous notion—that the incorporation between the Sister Countries would be merely legislative ; but that their interests

still would remain distinct.—On this weak foundation rest the fears of those, who suppose that, after Union, the interests of all Ireland would be sacrificed to the sordid and narrow views of an English manufacturing town!—Why should we apprehend that the interests of Ireland, any more than those of an equal portion of English territory, should after Union be sacrificed to the selfishness of a single manufacturing town?* No: if these countries shall ever be consolidated into one, a wise, imperial Minister will thenceforth officiate at no sacrifice but that of local prejudices to general prosperity: of national sordidness, to imperial welfare.

The Dean of Gloucester has cast some merited ridicule on that narrowness, which could alone give room for such apprehensions as I have been removing.—His words are these: “But Ireland is more advantageously situated for the trade to the West Indies:—therefore?—therefore we must deny *our own people*” (i. e. the Irish) “the benefit of trading, because they are advantageously situated for carrying it on! this is a weighty argument! Bristol, for instance, is better situated for the Irish trade than London; therefore let us Londoners petition that the port of Bristol may be locked up!”†

The

* I allude here to a passage in one of the best pamphlets which has appeared against an Union, written by my friend (as I hope he will permit me to call him) Mr. Jebb.

† Dean Tucker's Proposal.

The above passage, and others in the same work, are the more deserving of attention, because, being intended to reconcile the English mind to an Union, they *imply* (and will all be found to do so) that *such an incorporation must inevitably promote the commercial interests of Ireland*; and proceed to shew, that this can be no objection in the eyes of sound policy, but only in those of self-interest.

But does Mr. Pitt coincide in opinion with the Dean? I shall leave that enlightened minister to answer for himself. "I will say that, for an hundred years, this country has followed a very narrow policy with regard to Ireland. It manifested a very absurd jealousy concerning the growth, produce, and manufacture of several articles. I say that these jealousies will be buried by the plan" of (Union) "which is now to be brought before you."*---I can entertain no fears that the statesman who thinks thus liberally, and speaks thus frankly, will, after an Union, make "the influence of all Irish Members submit to the mechanics of a single English town."†---It would be against the interests of the empire, that Irish influence should so yield; and there needs not any partiality on the part of Mr. Pitt towards Ireland, to prevent him from sacrificing, to the narrow views of a *single town*, the general interests of *that empire* which is entrusted to his care.

Let

* See Mr. Pitt's speech on the question of Union, as given in the Star of January 24th.

† Mr. Jebb's Reply.

Let the reader continually keep in mind, that Union will give a *common* interest to both countries; and he will find this principle capable of repelling much of what is urged against the measure---Let him, at least, call upon those who are so clamorous against Union, to prove that it will not produce this identity of interests.

A considerable clamour has been raised against those who avow an opinion, such as mine, upon the present question; and this I think the more indiscreet, because an attentive inspection of the ranks of Anti-union, though it brings many most respectable persons to my view, does not, on the whole, impress me with the idea of a *wise* battalion, disinterestedly enlisted in the cause of patriotism, and public spirit. I descry some Jacobins and Separatists amongst them; and find it hard to reconcile *such* opposition, with the assertion that the measure is deadly to British connexion, and internal peace; and is directly calculated to further the views of France. If so, why do Democrats and Separatists oppose it? I behold Ambition wrapping itself in a thin disguise of patriotism, and professing to resist the measure out of love to Ireland, when in truth it is resisting it out of love to self. These patriots perceive that Union drops the curtain on their views; puts a stop to contraband advancement; shakes the dear profitable jobbing system to its foundations; and throws these intended great men back, upon the un-aspiring ranks of mere vulgar integrity, diligence, and information, which they were so accustomed to out-

strip, and to despise ! Some of these men know that there is a certain branch of commerce, which I do not mean to say ever existed in this country, but which Union is not calculated to promote: it is called the trade of Parliament. I behold citizens of sober fame, converted into statesmen; a situation, for which their habits so peculiarly adapt them, that *Swift* long since pronounced "a small infusion of the " Alderman to be necessary to those who are employed in public affairs." Scorning to prefer "solid " pudding to empty praise,"—friends to freedom, though they hug their chains,—loving Ireland almost as well as Dublin,—this formidable body takes the field against an Union :

"Monstrum horrendum, informe, ingens, cui lumen ademptum."

I have not heard that Government means, by uniting it with Great Britain, "to surrender the free " legislation of this Kingdom," and should, for my part, disapprove an Union on such terms; but it suits veterans, decked with the laurels which they gained at Umbrage, to march to the prevention of this imaginary surrender.

I hear county meetings shout against an Union; and I collect the degree of respect to which their clamour is entitled, by the obliging promptitude with which they have contradicted the silly assertions of Lord Somers, Coke, Blackstone, and all Scotland; by informing us that the Irish Parliament is incompetent to enact Union.

I find *some* Attornies brawling against an Union; and sacrificing to their aversion from this measure, their respect for the independence of Parliament, (which is part of the liberties of the people,) and their plain

and

and undoubted duty to their clients ; by attempting to deter professional members of the House of Commons from entertaining a free opinion on the question : by offering a bribe of briefs to those who vote against an Union ; and by selecting the council to whom they will commit the interests of their employers, not according to the talent or information, but according to the political sentiments of the Bar. I find some chieftain patriots oppose a measure which abridges their influence, emolument, or importance ; and a clan of *private* patriots following in their train, I see certain true-blue personages, look blue as need be at the prospect of an Union, and I do not conclude, from this appearance, that the measure is calculated to prolong religious discord, or foment the divisions of the Irish people. I see Dublin swoln to such magnitude and splendour, that it even seems to obstruct the patriotic views of its inhabitants, and stand between them and the general interests of their country. I see the Bar of Ireland, who have my love, my gratitude, and my respect, to whose public spirit, surely, Ireland is indebted, take a part in the present question, which gives me pain. I see a phalanx of *consistents*, who discuss not the merits of a measure, but merely enquire the quarter from whence it comes : these take the field, not against Union, but against Government, or Lord Cornwallis, and their zeal proves nothing as to the intrinsick nature of the measure. Others indeed I behold, who, in opposing Government, are deviating from the most inveterate habits : men, of whose independence we can entertain no doubt,

doubt, since if they hold places, it is not during pleasure, but for life. I have now rode along the line, and shall close my brief review with this trite remark—that the owner of a glass-shop should not be the first to throw stones.

Of the opposite ranks I shall say nothing. Posterity and Time will decide upon their conduct; and pronounce, of the blushing and black lists that have been published, which contained the most disinterested patriotism—which is best entitled to the gratitude of Ireland.

“ To incorporate both the British Isles together, and make one kingdom, in all respects, as to Parliament, trade, and taxes, * has long been the wish of every generous disinterested patriot of both kingdoms; and indeed inexpressibly great would be the benefit on both sides: neither kingdom would be looked on as foreign to the other; and all unnatural war between the commerce of the two nations would be at an end. But they” (the Irish) “ would run away with our trade! Who would run away with it? or where would they run to? Why truly our own people,” (he is speaking of the Irish) “ our own countrymen, who may as justly be called so as the inhabitants of any neighbouring county, would perhaps carry some part

* I am examining merely the *principle* of Union. How the islands should, *as to taxes*, be incorporated?—i. e. what should be the proportion of Irish liability? how this proportion should be settled, and its observance be secured? are questions not regarding the principle of Union, but the *terms*.

part of a manufacture from us to themselves ; * But what detriment would this be to the Public ? The people of Yorkshire have done the same by Gloucestershire and Wiltshire. Let us therefore, of these two counties, petition Parliament that the Yorkshire looms and mills may be destroyed, for they have run away with our trade ! This is so absurd a proposal, that there is no person living, but must feel it to be so.—And yet is not this the very case, with respect to the objection against incorporating with Ireland ? or, if there be a difference, I should be glad to know wherein it consists. Is Ireland to be looked upon as a distinct kingdom ? So much the worse ; for as the two kingdoms have but one common head—one common interest—the same friends—and the same enemies,—*they ought to have been long since consolidated together.* But allowing it to be called a distinct kingdom at present, 'till it is united, so is Yorkshire a distinct county, and was formerly, in the times of the heptarchy, a kingdom distinct from the two counties above mentioned : they are at a greater distance from each other ; and *the communication between them is not so easy by land, as the other is by sea.*† It would

* It is deserving of observation, that the writer whom I am here citing implies, by this passage, that Union would produce commercial advantages to Ireland.

† The writer of this sentence, it should seem, would lay little stress on the intervening channel, as an argument against an Union of the British islands. He would not, by remarking with Mr. Jebb, that “ Nature made England and Scotland one country,” insinuate that she so made Britain and Ireland two, as that an objection

would be a tedious piece of work, to wade through such gross absurdities, (as the objections alledged by the enemies of Union:) “ One thing is plain, and obvious;—that self-interest, the bane of all public good, is driven to hard shifts, in order to cover such views, as she dare not openly avow.”*

Need I blush to support the principle of an Union, when in doing so, if the respectable Dean of Gloucester be right, I speak the sentiments of every disinterested Irish Patriot?

“ By a Union with Great Britain, Ireland would gain, *besides the freedom of trade*, other advantages much more important. The greater part of the people of all ranks would gain a complete deliverance from an aristocracy, not founded in the natural and respectable distinctions of birth and fortune, but in those of religious and political prejudices: distinctions, which, more than any other, animate both the infidelity of the oppressors, and the hatred and indignation of the oppressed; and which commonly render

I

the

objection to *political Union* could be founded on this *geographical division*. I ask Mr. Jebb’s pardon for the liberty which I have taken more than once of introducing him into this discussion.—There can be the less objection to the introduction, because he has given his name, and I give mine, to the public. In fact his making his appearance here, arises from the opinion which I entertain of his pamphlet; that it is the one most worth notice which that side of the Question has produced. It is an able work when compared with those which maintain the same opinion; and considering how untenable that opinion is. It is a work positively weak, but relatively strong.

* Dean Tucker’s proposal.

the inhabitants of the same country more hostile to one another, than those of different countries ever are.— The spirit of party prevails less in Scotland than in England. In the case of a Union it would probably prevail less in Ireland than in Scotland. Without a Union with Great Britain, the inhabitants of Ireland are not likely for many ages to consider themselves as one people.”*

In supporting an Union then, if Adam Smith be right,—I not only vote for advancing the freedom of Irish trade, by putting an end to all commercial contests between the sister Countries, (and thus removing a nuisance, which the grants of 1779 left standing,) but for procuring advantages of far more importance to my Country: for relieving the mass of her inhabitants from an oppressive control: for promoting that tranquillity and concord, and industrious content, without which, no Country, however advantageously situated for trade, can profit of the opportunities which nature, or accident have given her: in short, for making Irishmen consider themselves as one people; which, thirty years ago, this enquiring man thought, without an Union, they were not likely to do for ages; and which the scenes of last year, and the events now passing, imperiously forbid us to pronounce that they have done, or to hope sanguinely, that, situated as we are, they will do.

In

* Inquiry into the Nature and Causes of the Wealth of Nations, Book 5, chap. 3.

In point of commercial freedom, we are already (it is said*) in possession of every thing that England could grant. Even admitting this position to be better founded than it is, it is exposed to an easy answer. If Union substitutes, in the place of discord, and degradation,—internal freedom, harmony, and peace; it will give the power, which we want, of profiting by the advantages which we have: it will bestow a freedom of trade which will nourish, in place of one which tantalizes.

So far was the writer, whom I have cited, from conceiving that the interposition of the Irish Channel was an obstacle to our political incorporation with Great Britain, that the fifty times stronger argument which the Atlantic supplies, has not prevented him from recommending to lessen *the great scramble of faction and ambition*, by an Union between Great Britain and her American Colonies.

He recommends the measure as calculated to deliver the latter from *rancorous and virulent factions*, and to promote American *tranquillity and happiness*: he recommends it, as tending to prevent a total separation from Great Britain, which, without an Union, he predicts as likely to take place.

I think that Ireland, as well as America, has *its rancorous factions to remove*; and *tranquillity and happiness, yet to attain!*—and if experience has verified Smith's prediction of American separation, it but disposes me to attend the more to his opinion, that without

* By Mr. Jebb.

without an Union, the inhabitants of Ireland will be long a divided people.

But in the case of Ireland, are there no grounds for recommending Union, as a means of preventing menaced separation?—Is there no danger of such separation, or of a dreadful effort towards it?—The Reports of our Secret Committees—rebellion—invation—the principles of Tone,—the nature of the Manifestoes of Humbert and his colleagues,—the paragraphs of the Pres, the annals of disaffection—the experience of every, even unthinking man,—will furnish a ready answer to this question.

I know that we are in the habit of promising loudly from time to time, that we will stand and fall with England; but I would rather have the connexion between the countries depend on a political principle, than on a loyal rant, or generous effusion of transient sentiment, which a future moment of resentment may supplant.

We, who promise such cordial adherence, are the same who in the busines of the Regency put the connexion to such hazard; and who, in 1785, asserted that we could not, without impairing our independency, accept commercial advantages on the terms on which England could bestow them; and thereby expressed a jealousy, which suits but ill with our professions of attachment, and led to a doubt of the beneficial nature of that connexion, which sets our commerce, and constitution in opposition to each other. We are the same who have more than once, without waiting for Great Britain to lead the way, broached systems of

Parliamentary

Parliamentary Reform, which, by giving differently constituted legislative bodies to the Sister Countries, would have worn away the imperial link by which they are connected.

But if it be granted that we are thus prepared to stand or fall with Britain, why refuse to reduce this cordial sentiment to practice?—Why decline the most intimate connexion with a country, whose destiny, good or ill, we thus offer to partake?

To England I believe it is sufficiently apparent that there *is* danger of, at the least, an attempt at separation:—a combined and bloody effort of French and Irish Jacobins, which may harass the entire empire, and make this unhappy country a theatre of war. So clearly do I suppose the English to discern this danger, that, as in the case of Scotland, “the ‘consideration of the safety that was to be procured’ (by Union) ‘brought them to agree to a project, ‘that in every branch of it was much more favourable to the Scotch Nation,’”* so, in the present instance, I expect that similar considerations will produce a similar offer, of greatly advantageous terms to this country.

It seems to be admitted that the Scotch Union was a measure necessary for averting the evil of separation. Now, if it be granted that in the case of Ireland a similar evil is impending, will it alter the question to shew that our danger does not flow from the same causes with those, which operated upon

* Burnet.

upon Scotland? Surely not. Let it arise from whence it may, if the peril exist, and if Union would remove it, the measure is as expedient in our case as in that of Scotland.

Great, I admit, is the difference between the cases; but in the difference, I see additional arguments for present Union.

French connexion in 1707, was not what it is in 1799. That country had then a settled Government; and was not occupied, as she is at present, in preaching insurrection, and scattering the seeds of disorganization throughout the world. She was not then the advocate for sedition in the *abstract*: the enemy of all establishment: the indiscriminate ally of all rebellious subjects. The state of England, Europe, and the world, was not in 1707 what it is in 1799. France was not then the formidable power that she is now. If Scotch separation would have been mischievous in those days, Irish separation might be ruinous in the present. If imperial strength was then desirable, it may now be indispensable: if that Union with Scotland was necessary to British welfare, this Union with Ireland may be requisite to British existence.

But what is British existence to us? it is every thing; it is our own. Look at the situation of the sister countries on a map: consider our manners, our language, our common lineage, our interests, our connexion, our common and malignant foe. Weigh these things well, and you will not propose the question:

question: a question which must come but ill from those, who profess their readiness to stand or fall with Britain.

Yet distinguishable as the cases may be, some resemblances between that of Scotland and Ireland may be traced. There, as here, we are informed by De Foe, that a strange and motley coalition of discordant factions formed the Anti-union band. There, as here, in aid of Parliamentary exertions, "they studied to raise a storm without doors, for the purpose of intimidation. Addresses against the Union were sent round all the counties, in which those who opposed it had any interest. There came up many of these in the name of counties, boroughs, &c. This made some noise abroad; but was very little considered there, when it was known by what arts and practices they were procured." * But it may be said that this junction of dissentient factions † was equivocal: that it might be a patriotic sacrifice of party difference, to the object of effectually resisting the destructive measure of an Union. Was this the case? Hear from Tindal the common principle and motive which consolidated these various parties upon this occasion. "All those who adhered inflexibly to the Jacobite interest opposed every step that was made towards an Union, with great vehemence:" Why? "because they saw that it struck at the root of all their designs for a new revolution."

Some

* Tindal. † As mentioned above from De Foe.

Some future historian might perhaps think proper in the case of Ireland, to adopt this sentence with but slight variation ; and record that “ all those who “ adhered to the *Jacobine* interest, vehemently op-“ posed every step towards that Union, which struck “ at the root of their revolutionary designs.”* The party however was discomfited in Scotland, by the exertions of a small band of unpopular, yet acknowledged patriots, who supporting, on principle, the measure of a ministry to *which they were hostile*, turned the balance, and carried an Union, which is not now denied to have been advantageous to Scotland. This honourable band, of which I shall again have occasion to speak, was known by the title of the *Squadrone*.†

But let me recur to Adam Smith’s position, that Union may soften the rigours of religious prejudice and distinction, and blend the inhabitants of Ireland to one people.

It is impossible to advert to this consideration, without, at the same time, raising to our view the Roman Catholic body ; their situation, their numbers, and their demands.

The

* I do not mean to insinuate, what I believe to be untrue, that the opposition to Union has been confined to this description ; or that many most respectable characters do not oppose it. To deny that the measure meets with much honest opposition, would be to fail in that respect which is due to Parliament, and to contradict my own conviction.

† Tindal.

The claims of this great portion of the Irish people are undoubtedly supportable on some constitutional principles. For instance, it is the spirit of our Constitution, that the House of Commons should be the representative of the combined property and population of the kingdom: that a certain stake in the country should give to the holder the elective franchise; and that he should be at liberty to exercise this, by nominating what representative he pleased. This principle operates only in its first branch on the case of the Catholics. Catholic freeholders may elect; but not whom they please; for they must not nominate Catholic representatives: they are prohibited from entrusting their interests to those, who might seem most likely zealously to protect them. But Parliament is open to the Catholic, on the terms of his taking certain oaths! that is to say, on condition that he abjures the tenets of his religion.

But these incapacities (it may be said) are indispensable, towards the protection of the established Church. Perhaps they are. It is not my business here to discuss this question.

But if these disqualifications be, or seem, thus necessary in our present situation, it follows that Catholics need not be very averse from changing the situation, which gives birth to the necessity.

Have I alarmed the Protestant by the above sentences? If I have, it was his prejudice, and not his reason, which took the alarm.

For, what have I said? only this: that if the present state of the empire render the Catholic claims in-

compatible with Protestant safety, the Catholic has no ground for protesting against a change.

But will his chance be bettered by an Union? I do not know. I am only suggesting that it will not be diminished. If it were not that the impossibility of a partial repeal of the test laws may stand in the way, I should say that the prospects of the Catholic *would* be improved. Does the Protestant object? the bigot may; but a mere friend to the established Church will not.

The mere friend to the Protestant religion will rest his opposition to Catholic claims, on the sole ground of their incompatibility with the security of the established Church; and therefore, so soon as those claims become compatible with this security, the opposition of such a man will cease. Thus Union might stand recommended to Catholics, as tending to improve their views, and yet be nothing the more objectionable to Protestants on this account. For how would it better the Catholic views? if at all, by removing that danger to Protestantism, which might at present seem to attend a compliance with their claims.

Therefore, let it not be said, that I address each religion as it were—*aside*. Neither Protestants nor Catholics may think my arguments worth listening to; but whatever I address to one, I have no objection to the other's hearing.

I do not speak to Catholics; nor to Protestants: I speak to Irishmen. I speak to those inhabitants of this ill-fated country, who are not, but who ought

to be one people; even though an eternal barrier should be placed against the further advancement of those Catholics; who enjoy at present more than complete toleration; and the substantial benefits and protection of the Constitution; and who are excluded from political power, not on grounds of hostility to them, but on the (at least plausible) ground of apprehension for the security of the established Church. These are my sentiments; and I supported the Catholic claims in 1795. Whether rightly or not, it would be foreign from my present purpose to enquire.

I have said that, (the objection of the test laws out of the question,) Union might improve the Catholic hopes. Let me briefly state the grounds of this opinion.

The opponents of Catholic demand alledge that, considering their superiority in point of numbers to the Protestants, to give them a nominal equality, might be to bestow on them an actual superiority, of political power. This objection, in our present situation, is plausible at the least.

But observe how the case would be, upon an Union. The Catholics would undoubtedly in Ireland exceed the Protestants, exactly as they do at present. But in the one united kingdom, (of incorporated Britain and Ireland) the Protestants would, as they do at present, greatly exceed the Catholics.

What would follow? That to make these latter nominally equal to the Protestants, would not give them

them an actually equal, much less a predominant weight in the Empire.

Thus, on the one hand, every satisfied Catholic Individual might be permitted to indulge the honest pride of feeling himself on a par with his protestant Brother: of feeling himself to possess capacity for an equal share, not only in the benefits, but the honours of the Constitution: whilst, on the other hand, the Protestant body, superior in number, and consequently possessed of the greater portion of those capacities which were equally distributed amongst all, would feel that they were able to obtain complete security for their religion, without wounding, degrading, or alienating the Catholic subject. They would feel what in Ireland cannot be felt at present; that the popular religion was the religion of the State.

I cannot avoid (I do not wish to avoid, for I would be candid;) honestly confessing that a most able pamphlet, written by Doctor Duigenan, has made great impression on my mind.

But, notwithstanding the degree of temporal power, necessarily appurtenant to that supremacy which Catholic tenets deny the King, let us enquire how matters might, after the Union, stand.

The great mass of the United legislature would be Protestant. How impotent would be the anti-supremacy of a Catholic minority!

To the Catholics, then, I say Union might improve their views; whilst to the Protestants I observe, that to this they could have no objection;

since

since Union can no otherwise brighten Catholic prospects, than by rendering their importance quite compatible with the security of the established church.

But to Protestants I would say more. I would observe that though Catholic depression may be necessary, it is a necessary evil; and we should not cherish with too much bigotry, the situation which renders this depression requisite. I doubt whether there be not something radically faulty in that state of things, which founds on the even moderate depression of three-fourths of our population, the safety of the remaining fourth. It is the manly spirit of that British Constitution, beneath which after Union we should live, that the great body of the people should not only be secure and free, but respectable and proud. If the present distinctness of Ireland render Catholics the necessary victims of an exception to this rule, I do not like our distinctness the better on this account. I do not know whether I have argued this matter soundly; but it should seem that our legislature reasoned in the same way, in the reign of Anne; when the Lords having failed in the attempt to procure an Union, the Parliament proceeded to enact the penal code.

When I consider the present situation of the world, I am the less attached to an order of things, which renders it necessary to risk alienating any body in the state; (though even by a system, which is not so harsh as to justify such alienation;) and am the more willing to consider it as recommendatory of Union, that it may justify

justify the removal of whatever, by offending the pride, damps the zeal, of any portion of the people.

The present emergency demands the ardent loyalty of subjects: a sluggish and scanty allegiance does not suit the mighty crisis in which we stand. French agents are abroad—seducing a credulous people—magnifying every mote of grievance, to enormity;—and exciting their dupes to fury and insurrection.—Should we oppose terror to these delusions?—It may be necessary;—but alone it will not suffice.—We should counteract one temptation by another: We should remove those grievances, which are the most dangerous weapons a Jacobin could wield; We should make the Constitution lovely, that the people may embrace it: We should make our government such a source of pride and happiness to the subject, that no Jacobin will succeed in endeavouring to debauch him.

In a letter, which the late Mr. Burke did me the honour of writing me above four years ago, on the subject of what was termed Catholic Emancipation, this necessity for interesting as many classes of the people as may be, in the conservation of the present political establishment, and thus administering an antidote to Jacobinical poison,—this, I say, forms the hinge, on which all his arguments in support of the Catholic demands turn. Would to God that these principles had been acted on!—if not in granting the Catholic requests, (for, the expediency of this great measure I feel to be questionable, though I supported it,) yet in doing graciously, what we felt compelled to do: in tempering theoretic, and political depression,

sion, with practical cordiality, and encouragement.—Would to God that Catholics had not lost the memory of what was granted—in the angry wish for what was withheld! nor polluted their pretensions, by the advocacy of notorious Separatists, and Traitors!—Would that Protestant ascendancy (which I trust will ever be maintained) had never been abused, nor in any case degenerated into bigotry and faction!—that opposite parties had not vied with each other in civil rage, and supplied, by their distractions, so many arguments for an Union!—Would to God that the late gloomy aspect of affairs did not furnish a verifying comment on the prediction of Adam Smith, that, without an Union, the inhabitants of Ireland would not consider themselves as one people!

But suppose the claims of the Catholics, though submitted to the remote and unprejudiced tribunal of an imperial Parliament, should fail of success; though they should so fail, notwithstanding the new arguments which this change of circumstances, induced by incorporation, would have supplied in their support, does it follow that Union would injure the Catholics? clearly not: it would only leave them where they are; unless they conceive that the same demands made at home, on less favourable grounds, and with more jealousies in array against them, would yet have a greater likelihood of success.

Nay farther.—Though their claims should be rejected by the united legislature, does it follow that their situation might not be bettered by an Union?—This point deserves to be examined.

Union might practically improve the situation of the Catholics ; though it should leave them, in point of theory, where they were.

Protestant ascendancy standing, after Union, (as whether Catholic claims were admitted or rejected, it must do,) on an impregnable foundation, would not need to be propped by favours and distinctions, which may now exalt the Protestant at the expence of Catholic feeling. The same security would assuage the Protestant mind : would heal his jealousies and apprehensions, and make him more susceptible of cordiality to his Catholic brother. Terror and suspicion are the usual parents of oppression.

If Union promote the wealth and trade of Ireland, it must practically encrease the comfort and consequence of the Catholics, who compose the majority of Irish population.

If Union *practically* excludes many Protestants from that political importance, which the present state of things permits them to enjoy, (and doubtless Union will abridge the consequence of some, and greatly interfere with the ambitious views of many ; as perhaps the opponents of the measure need not to be informed;) then Catholics may sit down the more contentedly under that exclusion, to which the theory of the establishment has condemned them.

If to see their Protestant brethren enjoying, under their eye, those honours of the Constitution from which they are excluded, be grating to the Catholic mind,—this is a mortification, from which Union would relieve them.

The pre-eminence of the present resident aristocracy, being founded on political distinctions, is one, in which the Catholic body cannot share. After Union, our *resident* aristocracy would be founded on those distinctions of birth and fortune, which are as attainable by those of one religion, as of the other.

If there existed in this country any *local* prejudices against the Catholic body, which, to the theoretic (and I think not very important) depression of that persuasion, added a detail of more practical, and galling contumely,—after Union, these sources of complaint must cease.

By an Union, Adam Smith was of opinion, that *the greater part of the Irish people* would be relieved from an oppressive aristocracy.

It does not become me to enquire whether this grievance does exist, or whether Union would remove it. I shall therefore content myself with observing, that the Catholics form *the greater part of the Irish people*.

On these grounds it strikes me, that Union (on those fair terms, which *all* Irishmen should demand,) would be a measure beneficial to the Catholics.

And how beneficial to them? At the expence of Protestants? or at the risk of the established Church? Quite the contrary.

For, if Union *should* improve the chance of Catholics, for acquiring a greater share of political importance, how would it do this? by giving to the established

blished Church such firmness, and security, as not even Catholic hostility could shake.

And if Union should, without theoretically aggrandizing, yet practically improve the situation of the Catholics,—how would it achieve this? Chiefly by promoting the wealth, and prosperity of Ireland: by putting a period to the struggles of internal faction; and by rendering the established religion so secure, as to silence all the jealousies of the most apprehensive Protestant.

Thus, however paradoxical it may appear, I think myself warranted in telling Catholics, that Union will be beneficial to them, *by securing the eternal maintenance, and solidity of the established Church.*

If this be so, I have, for the last twelve or thirteen pages, been using arguments, which are so far from applying exclusively to Catholics, that they should recommend the measure to Protestants, at least as strongly.

I have already suggested, that the measure which gives Ireland tranquillity, must give her commerce: that to appease present distractions, and *permanently* silence the animosities of our people, will be to promote industry, and its attendant, wealth. How far Union will more directly confer commercial benefits, is a question, which my slight knowledge of such subjects does not enable me to solve: In truth I conceive it to be a question connected with the terms,—yet (if ever) to be proposed; and therefore, in the present stage of the enquiry, premature. Some opinions, however, I have upon the subject, and these

I shall

shall take the liberty of here throwing together, with much brevity, and with little regard to arrangement. I conceive that Union would give British capital to this country, and thus in a very obvious way promote our commerce. I conceive that a wisely-arranged incorporation would so identify the interests of the sister countries, that Britain would no longer exercise a narrow policy by this island ; but that imperial prosperity would circulate impartially through all the members of the Empire. A writer against Union has reminded us that “ the perhaps (*before Union*) necessary, though severe policy of England closed “ the barriers against the only article of export,” (live cattle) “ afforded by the cold, ungrateful soil of “ Scotland.”* From this statement we may collect, that so long as these two countries remain distinct, the commercial policy adopted towards us by England, which is severe, may yet be necessary ; but after Union, could it be requisite for the British Empire to exercise a severe policy against itself ? If not, we behold another source of commercial advantage, which an incorporating Union would produce to Ireland. The value of the channel trade, I cannot pretend to estimate ; nor do the opponents of Union afford me steady light ; for as the same persons have been long inveighing against the Irish Parliament, who are on a sudden grown so clear-sighted to its vast merits, as to hear with indignation, the mention of its removal, or even modification,—so those whom I have heard rate the value of the channel trade very highly, have lately discovered that it is a worthless bauble.—

Bu^t

* Mr. Jebb's Reply.

But our manufactures are to be destroyed, by the introduction of equal law! Here again, we are prematurely entangling ourselves in a discussion of *terms*. If I recollect what Adam Smith has said on the subject of protecting duties,—it is, that they are not calculated to increase the sum of industry; but rather to turn, (perhaps injudiciously to force,) the national industry into a particular channel. This seems an argument against the principle of such duties; but when they have been established, and an infant manufacture is growing up beneath their shelter, it is so obvious that they ought not to be removed, that I make no doubt that Union would not be attended with their rash removal, or the immediate introduction of equal Law. It is said, the metropolis would be injured by an Union. The provisos contained in this arrangement might easily counteract the general tendency of the measure to injure Dublin; even admitting it to have this tendency; and the metropolis would very principally gain by that acquisition of the British market, which would be generally beneficial to this kingdom, and which would be a necessary consequence of Union. At all events, for what this country lost in one quarter, she might be compensated in another; and the question is not what Dublin might lose, but what on the average Ireland would gain. The splendour of Dublin, I take to be artificial. It is not such a symptom of general National greatness, as that, given the wealth of Dublin, you can measure the prosperity of Ireland. The riches of Dublin (and so must be the case of every metropolis) arise from an accumulation,

mulation, and determination of consumption, to that quarter: a mere concentration of national expence. Dublin might be less great, yet Ireland equally prosperous: the same wealth would not then less exist, because it circulated more widely. That greatness which Union might bestow on Cork, or which after Union might remain to Dublin, being commercial, would be more symptomatick of national prosperity. On these subjects, however, I avow my ignorance, and pronounce an opinion with hesitation. As to absentees, I believe Union would not produce the crop that is expected; and would replace those residents of whom it deprived us, by a valuable class of men, of which we stand in need. The metropolis would, for some, not have those attractions which it boasts at present; and what might be the consequence? That our noblemen and gentry, dispersed throughout the country, would live, and spend their money, more usefully, amongst their tenants, and on their estates. With respect to the increase of taxes, which Union might occasion, the present and future liability of Ireland could, by the terms, be fixed at a fair proportion, and an adherence to *the principle* of that proportion be secured: those who paint Union as a mere financial scheme of the British Minister, do not alarm me; because, first, the adjustment of the terms is within our power; and secondly, to make Ireland productive, he must make her rich.

Besides, Adam Smith, a Scotchman, and approver of the Scottish Union, has assured me that Ireland

by

* In a former part of this Address.

by a legislative incorporation with Great Britain, " would gain advantages, which would much more " than compensate any encrease of taxes that might " accompany that Union." But Smith, it may be said, would not assert this now: since he wrote, Ireland has acquired a free trade. I leave him to answer this objection, himself: the following are his words, " by an Union, Ireland, besides freedom " of trade, would gain *other advantages, much more important.*" Again, it may be urged that, since Smith wrote, this country has obtained constitutional Independence. But if the reader will observe the tenor of the passage cited * from this writer, he will find that the advantages to which he alludes, might still remain to be acquired.

In discussing the probable consequences of a legislative Union between this Island and Great Britain, we naturally turn our eyes, (and I have already pointed the attention of my Reader) to that which, in the beginning of the present century, incorporated England and Scotland. When we would expatiate too far in theory, this example, as it were, recalls us; and puts us in the beaten road of practice and experience.

That Scotland has, since the Union, advanced in prosperity, I have never heard denied. That this advancement should be attributed to the Union, I have seldom heard controverted, and never disproved. Of those, who alledge this progress as a reason in favour

* In a former part of this Address.

favour of Union, it might, I admit, be enquired by such as hesitate to impute the prosperity of Scotland to its incorporation with England, (if any such cavillers there be,) whether that country would have advanced less rapidly, if it had remained distinct? But give me leave to say that, according to all rules of rational discussion, the burthen of proof lies directly on the other side. The advocates for Union shew a certain advancement in prosperity: let the opponents prove, (or offer reasons for presuming) that if no Union had taken place, the progress would have been greater, or the same. Let it be shewn that the present relative position of Scotch and English prosperity is not in the ratio of their respective natural advantages; and that in the race towards commercial or other greatness, England has left Scotland more behind since 1706, than she did before; and it may seem presumable that the Union has been injurious to North Britain. But until this be shewn, such a position remains unproved. If in estimating the distance of these adjoining realms, from the most flourishing supposable point of national prosperity, the interval between the countries should appear to have been no wider since their incorporation, than before, it would seem that Union has at least been uninjurious to Scotland. But if, the relation of natural advantages having remained the same, Scotland has, notwithstanding, gained on her neighbour in the march, those strides towards prosperity seem attributable to the Union. Now let us see how the fact
has

has been. The best writer against Union,* on the authority of Chalmers, and of Mr. Pitt, states English ability to have been to Scottish, at the period of the Union, as twenty-eight to one; and the proportion at the present day, to be as eight to one. An amazing pulling up of commercial distance on the part of Scotland.

But Scotland was poor in 1706, and Ireland is rich in 1799!

What is this to the purpose? If Union enabled Scotland to pull up a greater interval, does it follow that it will not permit Ireland to pull up a less?

I therefore feel myself to be warranted in stating, *first*, that the effects of Union on North Britain are relevant to the question which I have undertaken (very inadequately) to discuss; and *secondly*, that there is ground for what the law terms a violent presumption, that the prosperity of Scotland has been promoted by the Union.

Nor does it seem to me, that in sketching briefly the memoirs of that event, and what (connectedly) preceded it, and in *blending* with the extracts which I make from historians, † my own observations, and deductions with regard to Ireland, I shall perform a task, quite unacceptable to my readers, or impertinent to my enquiry.

“ The uniting of the two kingdoms of England and Scotland, was *ever* thought of such importance

* Mr. Jebb.

† And which I shall distinguish by inverted commas.

"to the wealth, strength, and tranquillity" (*not exclusively of England*,* but) "of the island of Great Britain, that several attempts were made towards it, both *before* and after the Union of the two crowns, in the person of king James."

—Amongst these might be enumerated efforts so remote, as those of the wise and politic Edward the first; but we shall, for many reasons, take the matter up at a much more recent period. In the year 1503 was celebrated the marriage of the princess Margaret, eldest daughter of Henry the seventh of England, with James, king of Scotland; "and Henry hoped from the completion of it, to remove all source of discord with the neighbouring kingdom." This alliance, however, failed to produce the desired effect. About ten years after, England declared war against France, the antient ally of Scotland, (and modern supporter of Irish Separatists and Traitors,) which latter kingdom thus became entangled in the contest.

For, Scotland was a country inferior to England in power, and resources; and sought to augment her strength by a league with France; "and the Scots universally believed that, were it not for the countenance which they received from this foreign alliance, they had never been able to maintain their independence, against a people so much superior."

It had not yet occurred to them, that in Union they might find a bulwark against the superior force of England; and even make this force a part of their

* Any more than the Union under discussion would be importantly beneficial *exclusively* to England. It would benefit the Empire, i. e. Great Britain and Ireland.

proper strength: that by incorporating with England, they would preclude for ever all assaults on their independence; since this independence could not be assailable, when it had ceased to be distinct: that a diversity of interests could alone render English power formidable to Scotland; and that to change terror into confidence,—and convert English power, from an object of jealousy, to a ground of security, Scotland had but to identify its existence with that of England; and from having been a rival, become a member of the English empire.

In like manner, Ireland is a country inferior to England in power, and resources; and might, as I suspect, if she conceived the mischievous design of separating herself from this latter country, be under the necessity of having recourse to the fostering protection, and countenance of France; nor, unless my memory misleads me, is it many years since, in a publication signed with the name of Arthur O'Connor, I have seen it pronounced that Ireland might league herself, indifferently, with France, or England, accordingly as one, or the other alliance seemed most conducive to her interests, or was most suitable to her fancy.

Be this as it may, the French connexion above noticed, aided by the chivalrous ideas of James, who, having in all tournaments professed himself the knight of the queen of France, now obeyed her romantick summons to take the field in her defence,—these causes frustrated the peaceful, and harmonizing views of Henry; and Scotland reaped, at

Flouden,

Flouden, the bloody harvest of *her distinctness*, in the discomfiture of her army, and loss of her king, together with the flower of the Scots nobility;—offering an inviting opportunity, which England generously declined taking, of “gaining advantages over “Scotland; and, perhaps, reducing it to subjection.” Henry the eighth (not yet a tyrant,) preferred pursuing his father’s design, of an amicable Union;—and desirous “to bring the government of the Island “under one monarch, offered his daughter Mary “to James the fifth of Scotland;” and made other advantageous proposals, “which the king of Scotland “was inclinable enough to fall in with; but the French, “who dreaded the effects of such a conjunction, found “means to prevent it. This rejection of the proposed “Union engaged the Scots nation, *against their will*, “in a war with England, and occasioned the defeat “at Solan Mosse, which brought their king to his “grave.”—That the French should have opposed zealously a conjunction, which would eradicate all hopes of separation, and give permanent imperial strength to Britain, is not more surprizing, than that Jacobines should, at the present day, raise their voices so loudly and furiously against an Union.

“King Edward VI. pursuing his father’s design “of an amicable Union of the two kingdoms, pro- “posed a match between himself and queen Mary “of Scotland, which had already been agreed on in “the Scots Parliament; but the French faction broke “that agreement; and brought upon the Scots another “war with England, which ended in their defeat
“at

" at the battle of Pinky, near Musselburgh. Not
 " notwithstanding this great victory, by which the Eng-
 " lish became possessed of most of the South of Scot-
 " land, yet Edward and his council were so far from
 " designing a conquest of Scotland, or the overthrow-
 " ing the Constitution of that Kingdom, that the Protec-
 " tor of England published a declaration, to invite
 " the Scots to amity, and *equality*. We get in
 " your land (said that declaration,) and offer Eng-
 " land: intercourse of merchandizes, &c. &c. the
 " abolishing of all such our laws as prohibit the
 " same, or might be an impediment to the mutual
 " amity. We offer not only to leave the title of
 " conqueror, but the name of our nation; and to
 " take the old, indifferent name of Britons. We
 " seek not to take from you your laws nor cus-
 " toms: we seek not to disinherit your queen; but
 " to make her heirs inheritors of England: because,
 " nothing should be left on our part to be offered: nothing
 " on your part unrefused; whereby ye might be inexcuse-
 " able. This," adds the historian, "was a very generous
 " proposal; but the French faction still made it ineffec-
 " tual, and brought Scotland under a yoke of French
 " tyranny;" which greatly, and naturally, "incensed
 " the Scots."

This historian, (by the way) does not seem aware, that to unite two kingdoms is necessarily to subvert the Constitution of one; for though the tendency of the Protector's proposal was an Union, he yet acquits the English of having harboured any design " of
 " overthrowing the Constitution of Scotland."

" King

“ King James the first, soon after his accession to
 “ the English throne, moved the Parliament of Eng-
 “ land for an Union betwixt the two kingdoms ;
 “ that as they were made one in the head, so, among
 “ themselves they might be inseparably conjoined, and
 “ all memory of by-past divisions extinguished.”

Now it seems probable that James's prejudices were favourable to the interests of his antient Scottish subjects ; and that he would not have proposed this measure, if he had not conceived that Union (from the very name of which we shrink,) would be very serviceable to his country.

“ The motion seemed to be generally well relished
 “ by both nations ; whose respective Parliaments ap-
 “ pointed commissioners ;” but the business pro-
 “ ceeded languidly *in England*, and finally fell to the
 ground. “ The king,” (a Scotchman) “ was ex-
 “ tremely grieved at this ; and conceiving that the
 “ work would be more easily effected, *if begun in*
 “ *Scotland*, called a Parliament there. The estates
 “ readily allowed all the articles, provided the same
 “ should be ratified in the Parliament of England.
 “ But the *English* Church party defeated all endea-
 “ vour to accomplish that Union. They soon dis-
 “ covered James's foible ; and found out other em-
 “ ployment for him ; which was to advance his pre-
 “ rogative in Scotland ; and concurred with him as
 “ heartily in that,” (to the subversion of the liberties
 “ of that kingdom,) “ as they opposed him in the
 “ Union.”

In

In this instance, we find, that to reject Union may not always be to promote the liberties of a country.

“ In the reign of Charles I. we do not find an Union to have been once mentioned : an ill-timed zeal for the Church of England had so great an ascendant over that prince, as to engage him to overturn the Constitution of Scotland.”

The above passage implies a contrast, which modern Irish Patriots will find it difficult to comprehend, between Union, and the subversion of a Constitution.”

“ Soon after the beginning of the civil wars, there was a confederacy between the two kingdoms, which continued, with interruption, 'till it was entirely broken in 1650. On the 12th of April 1654, Cromwell published an ordinance, for uniting Scotland with England. Thus stood the Union for some years ; during which, it is said, the Scots nation was never more easy ; nor justice more impartially administered.”

“ At the Restoration, every thing relating to Scotland was put upon the same foot as before the civil wars : the ill effects whereof were soon felt in many instances ; particularly by the passing of acts relative to trade, which not only stirred up old, but raised new animosities. The Scots made heavy complaints ; but without redress, until the year 1670 ; when the Parliament of Scotland passed an Act, empowering king Charles to appoint commissioners of both countries, “ to treat about the Union ;” the “ reducing both Parliaments into one :” but the Scots commissioners insisting that none of the constituent members

“ members of the Parliament of Scotland should be
 “ excluded from the Parliament of Great Britain,
 “ thus the treaty came to nothing; these commissioners not only insisting upon their old pretences, but
 “ likewise that they could not so much as treat of an
 “ Union, ‘till all their constituents had consented.”
 (We go farther here in Ireland; and require the express consent of the whole people, electors or not.)

“ Thus, though the first motion of a treaty came
 “ entirely from themselves, it was the Scots who
 “ broke it off. The secret motives of their doing
 “ so, proceeded, it is said, from some about the
 “ court, who at first fancied they could encrease their
 “ power and influence by the Union,” (and therefore
 were good patriots, so long as the public interest seemed
 to coincide with their own,) “ being afterwards con-
 “ vinced it would have quite another effect.”

“ In the time of James II. there was nothing done
 “ in the Union; the court being taken up with other
 “ designs. But though in the reign of William and
 “ Mary both nations were too much distracted, to
 “ think in earnest of uniting the two kingdoms, yet,
 “ the same being proposed by the Scots convention of the
 “ estates, who appointed commissioners, to treat upon
 “ that matter with England, king William, in his
 “ speech to both houses of Parliament, on the 21st of
 “ March 1689, recommended to their consideration,
 “ an Union with Scotland. The English Parliament
 “ took little notice of this recommendation; so that
 “ no answer was returned to the Scots Parliament;”
 (who appear to have been the instigators of the
 measure,)

measure,) and the business rested 'till the year 1700; when the king, in his answer to an address of the Lords, took an opportunity of putting that House in mind of what he had recommended to his Parliament, soon after his accession; viz. that they would consider of an Union between the two kingdoms: that his Majesty was of opinion, that nothing would contribute more to the security and happiness of both; and was inclined to hope, that after they had lived an hundred years under the same head, some happy expedient, in case a treaty were set on foot for that purpose, might be found, for making them one people. Hereupon the Lords passed a bill, for authorizing Commissioners of the realm of England to treat with Commissioners of Scotland, for the weal of both kingdoms. But the Commons (of England) refusing their concurrence, the wishes of Scotland were for the present unfulfilled, and the business of the Union went no farther.

This great work therefore, was reserved for the reign of Anne; for though the negotiation which was set on foot soon after her accession to the throne, unhappily miscarried; yet, it being resolved to endeavour again the Union of the two kingdoms, powers were given to the Queen, by the Parliaments of England and Scotland, according to which she appointed Commissioners for both countries. Amongst the English Commissioners were the Lord Keeper, Lord Godolphin, the Earl of Sunderland, Lord Somers, Sir John Holt, Sir Simon Harcourt, Mr. Harley, and Mr. Boyle:—
amongst

amongst the Scots were the Chancellor, the President, and two Lords of the Session, and the Lord Justice Clerk. “ The Scots had got among them the “ notion of a federal Union, like that of the united “ Provinces, or Cantons of Switzerland,” (or permit me to add, of Great Britain and Ireland;) but the scheme was abandoned, “ for this reason,” besides many others, “ that as long as the two nations had different Parliaments, they could break the Union,* “ whenever they pleased; for each nation would follow “ their own Parliament;” and thus the grand imperial object would have been defeated, which “ was to “ settle a lasting, and firm Union between the kingdoms: “ therefore they resolved to treat only about an incorporating Union; that should put an end to all distinctions, “ AND UNITE ALL THEIR INTERESTS.”

They accordingly entered on the scheme of an entire Union. The Commissioners of both kingdoms met; and having spent above three months in discussion, unanimously concluded the articles of the treaty of Union. When they attended the Queen, in order to present to her Majesty one of the seal'd instruments containing these articles, the Scots Commissioners spoke to the following effect: “ An Union of the two kingdoms has been long wished for; it being so necessary “ for establishing the lasting peace, happiness, and prosperity of both nations: and though it has been fre-

N

“ quently

* If this reasoning be right, it might seem that the present Union, which is a sort of federative one, between Great Britain and Ireland, is exposed to the danger of being broken, as the two nations have different parliaments.

“ quently endeavoured, by your Majesty’s Royal
“ Predecessors, without the desired success, yet the
“ glorious successes, with which God has blessed your
“ Majesty’s endeavours for the happiness of your
“ people, make us hope that this great work is re-
“ spected to be accomplished in your Majesty’s Reign.”

—The Queen in answer, said—“ I shall always look
“ upon it as a particular happiness, if this Union,
“ which will be so great a security, and advantage to
“ both kingdoms, can be accomplished in my Reign.”

“ The advantages that were offered to Scotland in
“ the whole frame of this Union were so great, and
“ visible, that nothing, but the consideration of the
“ safety that was to be procured by it, could have
“ brought the English to agree to a project, that in
“ every branch of it was much more favourable to
“ the Scots Nation.”—If similar causes produce simi-
lar effects, the Irish might look for very advantageous
proposals of Union, at the hands of England.

“ The Scots were to bear less than the fortieth part
“ of the public taxes. It is held a maxim, that in the
“ framing of a government, a proportion ought to be
“ observed between the share in the legislature, and
“ the burden to be borne. Yet, in return of the for-
“ tieth part of the burden, the Scots were offered near
“ the eleventh part of the legislature.”

On the 3d of October 1706, the Scotch Parliament
met; and the Queen’s letter to them contained, amongst
others, the following paragraphs : “ The Union has
“ been long desired by both Nations; and we shall
“ esteem it as the greatest glory of our Reign, to

“ have

"have it now perfected ; being fully persuaded that
 "it must prove the greatest happiness of our people.
 "An intire and perfect Union will secure your reli-
 "gion, liberty, and property : remove the animosities
 "among yourselves, and the jealousies and differences
 "betwixt our two kingdoms. It must encrease *your*
 "strength, riches, and trade ; and by this Union the
 "whole island being joined in affection, *and free from*
 "*all apprehension of different interests*, will be enabled
 "to resist all its enemies, and maintain the liberties of
 "Europe."* "Her Majesty's Ministers were not in-
 "sensible of the difficulties which they had to en-
 "counter, in the affair of the Union ; against which
 "a powerful party had been formed, with the Duke
 "of Hamilton, and some other noblemen at its head.
 "The topics from which the arguments against the
 "Union were drawn, were the antiquity and dignity
 "of this kingdom, which they said was offered to be
 "given up : they were departing from an independ-
 "ent state, and going to sink into a dependency on
 "England : what conditions soever might be now
 "speciously offered, they could not expect that they
 "should be adhered to,† in a Parliament where six-
 "teen

" teen

* To make these paragraphs apply to the present time, and measure, we have but to substitute the word *Empire*, in place of the word *Island*.

† As, however, they have been adhered to.—But the Malt tax!! It is too ridiculous to hear this alledged as a violation of the treaty of Union. That treaty only stipulated that no duty should be laid on malt in Scotland *during the War*.—A plain negative pregnant, implying a consent that such duty should, if expedient, be imposed after the war should have an end.

What

“ teen Peers, and forty-five Commoners, could not
 “ hold the balance* against an hundred Peers, and
 “ five hundred and thirteen Commoners. Scotland
 “ would be no more considered as formerly by fo-
 “ reign states:† their Peers would be precarious, and
 “ elective, &c.”

Thus it must be admitted that the case of Scotland furnished as plausibly, at least, the same topicks with those, which are resorted to by the Anti-unionists of the present day. The kingdom of Scotland could boast at least equal dignity, and antiquity, with our own. Its theoretick, and *I apprehend its practical* independence, was as great as that of Ireland; yet patriotic and generous as those objections were, history

What then was this alledged violation? See Burnet. The Scotch admitted that “ peace was as good as made, and was “ every day expected;” but forsooth the duty was imposed before it had been “ proclaimed, or signed.”—Signal infringement! the *Opposition in England* agreed with the Scots members in so considering it.

* Hold what balance? of Scotch against English interest? The effect of Union was to efface such distinctions of interest, and to annihilate with them those arguments which turn on a measuring of Scotch against English Representation.—The true admeasure-
 ment would be of Scotch Representation, with Scotch contribu-
 tion; and we have already seen that Scotland, by the treaty of Union, shared an eleventh of the imperial legislature, and but a fortieth of the imperial burden.

† Neither perhaps would Ireland, after Union, “ be considered as formerly by foreign states.” Perhaps, for example, France might no longer consider this country as a fit theatre for her intrigues; and a field in which to fight her battles with the British Empire.

tory will not allow us to affirm; that they were urged by public spirit, and that Scotch Union was opposed as disinterestedly, and impartially, as we know that Irish Union is at the present day. “ All those who “ adhered to the Jacobite interest, vehemently op- “ posed every step that was made, *because they saw* “ *that Union struck at the root of all their designs for* “ *a new Revolution.*” Yet I shall venture to conjecture, that those Jacobites no more avowed such their real motives, and revolutionary designs, than the Jacobines of the present time declare theirs: I dare to say, that those Jacobites preferred resorting to the topics which we have been enumerating, and talk’d loudly, and popularly, of the independence of Scotland, and the incompetence of her Parliament to surrender the constitution, and liberties of their country.

Some of the Anti-unionists “ insisted vehemently “ on the danger that the Constitution of their” (Presbyterian) “ church must be in, when all should be “ under the power of a British Parliament.” Pious souls!—Alas! there was no piety in the case. “ This “ objection was pressed by some, who were known “ to be the most violent enemies to Presbytery, of “ any in the nation; but it was done with design to “ inflame that body of men, and so to engage them “ to persist in opposition.”

“ These jealousies of the Presbyterians, lest their “ church should be swallowed up by the Church of “ England, were infused into them chiefly by the “ old Dutchess of Hamilton, who had great credit “ with them; and it was suggested, that she and her “ son

“ son had particular views, as hoping that, if Scotland should continue a separated kingdom, the Crown might come into their family; they being the next in blood, after king James's posterity.”

Yet I presume, that neither she, nor the Duke, any more than some persons of the present day, had the imprudence to say publickly, “ we oppose an Union from selfish and ambitious motives:” on the contrary, I think it likely, that they were as loud as any, in their denunciations of these unworthy slaves, who would surrender the Constitution, and independence of their country.*

“ The party who opposed Union, finding the majority against them, studied to raise a storm without doors, to terrify them. A set of addresses against the Union were sent round all the counties, in which those who opposed it had any interest. There came up many of these, in the name of counties, and boroughs, and at last from parishes. This made some noise abroad, but was very little considered there, when it was known by whose arts and practices they were procured. When this appeared to have little effect, pains were taken to animate the rabble † to violent attempts, both at Edinburgh” (*the metropolis*) “ and Glasgow.”

I leave

* “ A multitude, at the same time that they insulted well-wishers to the Union, attended the” (patriotic and disinterested) “ Duke of Hamilton, with loud acclamations, as he passed the streets, to and from the Parliament.”

“ The Duke of Athol,” (another Anti-union leader,) “ was believed to be in a foreign correspondence:” (with France.)

† An obsolete name; formerly given to that class of the community, which modern patriotism dignifies with the title of people;

I leave the Reader to conjecture whether it be with pain, and confusion, that I turn from the contemplation of those distinguished patriots, to those base betrayers of their country; who (like me) were friends to Union.

“ A great part of the gentry of Scotland, who had “ been often in England, and had observed the protection which all men had from a House of Commons, and the security which it procured against partial Judges, and a violent Ministry, entered into the Union with great zeal. The opening a free trade with England, &c. and the protection of the fleet of England,* attracted those who understood those matters; and saw there was no other way in view, to make the nation rich and considerable.”

“ But that which advanced the Union most effectually, and *without which it could not have succeeded*, was, that a considerable number of noblemen, and gentlemen, *who were in no engagements with the Court*, (on the contrary, had been disengaged, and turned out of great posts, and some very lately,) *declared for it*. Their number was between twenty and thirty. These kept themselves very close, and united, and seemed to have no other interest, but that of their country. The chief of these were the Marquis of Tweedale, the Earls of Rothes, Roxburgh, Haddington, and Marchmont. *They were in great credit*;

people; and whose express assent, we are told, is necessary towards legitimating an act of the Parliament of Ireland.

* Some generous Anti-unionist may suggest that Ireland has this *already*.

“ credit ; because they had no visible bias on their
 “ minds, and were called THE SQUADRON. Ill usage
 “ had provoked them rather to oppose the Ministry,
 “ than to concur.* When spoke to, they answer-
 “ ed coldly, and with reserve ; so that it was ex-
 “ pected they would have concurred in the oppo-
 “ sition ; and, they being between twenty and thirty
 “ in number, if they had set themselves against the
 “ Union, the design must have miscarried. But they
 “ continued silent, 'till the first division of the House
 “ obliged them to declare ; and then they not only
 “ joined in it, but promoted it effectually, and with
 “ zeal.”

“ There were great and long debates managed on
 “ the side of the Union, for the ministry, by the
 “ Earls of Seafield and Stair : for the Squadron,”
 (whom the historian does not count amongst the
 ministerial ranks,) “ by the Earls of Roxburgh,
 “ and Marchmont ;” (silly fellows who had no as-
 signable motive, but regard to their country,) “ and
 “ against the measure, by the” (disinterested and
 loyal) “ Dukes of Hamilton and Athol.”

But, spite of the patriotic exertions of these two
 last noblemen, aided by all the talent and wisdom
 of the Edinburgh mob ;—spite of the motley ar-
 ray of party coalition against the measure ;—spite
 of all that was prated then, and is re-prated now,
 about dignity, and independence, and liberties, and

Constitution,

* I can very well conceive that they should, notwithstanding,
 zealously support a measure, which they held to be beneficial to
 their country.

Constitution, parliamentary competence, and preponderance of English members in the *common* legislature,

“ *Quis talia fando,*”

“ *Temperet a lacrimis!*

An Union was carried, (or as Blackstone insidiously terms it, was “ happily effected”) by the mischievous efforts of the Squadrone; a *gratuitous* band of traitors, who had no views of self-interest, to excuse their conduct; nor any better ground for supporting the measure, than their seeing that it conduced to the well-being of their country; and was a sacrifice of the distinctness, to the prosperity of Scotland!—What worse could Irish Unionists have done, if the *manifestly disinterested* opposition of the Anti-union corps had not frustrated their abominable plans!

Scotland has thriven extremely since that period, I admit;—has gained in the commercial race, surprisingly on England: Time (undoubtedly from personal pique to the patriotism of Scotland,) has malignantly falsified the prophecies of Lord Belhaven, (uttered in an access of political second-sight,) and justified the tame proceedings of the Roxburghs and Marchmonts: but we must not hearken to “ the great teacher,” Time, upon the question: we must not doubt the patriotism of the Duke of Hamilton, the ignorance of Lord Somers,* or the weakness and profligacy of the

o

Squadrone;

* Who evidently thought the Scottish parliament competent to enact Union, contrary to the opinion of many Bar debaters; *say Lawyers in our House of Commons, &c. &c.*

Squadron; since this might betray us into an oblique disparagement of the profound wisdom, and constitutional knowledge, or disinterestedly public spirit, of some Anti-unionists of the present day.

But let me not deviate, even into irony, from the seriousness which suits the important subject which I am treating. Let me conclude this appeal; which I make, not to the authority, but to the good sense of my countrymen; an appeal to the people, not from the opinion of their parliament, which is conclusive; but from the dogmatic clamour of an interested multitude, which, whilst it bellows against Union,—miscalls itself the public:—an application, to the virtuous, and orderly inhabitants of Ireland, to discountenance the insidious practices of those, who are themselves creating the national ferment, that they affect to attribute to the discussion of a measure, which they therefore deprecate; and are whetting popular resentment, as a weapon, which they may use, in defending their private interests against the public weal. We are not destitute, at the present day, of spirits, such as those which, in 1707, animated the rabble of Edinburgh against their Legislature: non desunt irarum indulgentes ministri, qui avidos, *atque intemperantes plebeiorum animos, ad sanguinem & cœdes irritent.**

Let all good men combine to defeat such mischievous designs; and let particular ambition sink before the general prosperity of Ireland.

Let the honest, and independent country gentlemen come forward. They form a party, which has not held the place it ought to do, in this kingdom. They are disinterested; or have no interests which are distinct from those of Ireland. On them, on their virtue, good sense, and dispassionate inquiry, I look upon the happiness of my country to depend. Do I call upon them to vote for Union? No:—I call on them to hear the question, before they shall decide. I call on them to stop short, before they reach the brink of a precipice, to which they may at once be hurried by their own proud, and generous feelings, and be pushed, by the insidious projects of the factious, and the selfish.

Let them not give ear to those misrepresentations, which state the question to be, whether or not we should surrender our liberties, and constitution? Good God! would I vilely deliberate on such a question? I will venture to appeal to my past conduct in Parliament, for an answer. I am myself too obscure, for this conduct to have been conspicuous; but allowing for human, (or my own peculiar errors,) I venture to pronounce it such, as will not shrink from investigation; or be found to bear the traces either of servility or faction.

The question is *not*, whether we shall surrender the liberties of this country: What Minister would dare propose such a question, to Parliament, or to the Nation? The question is, whether Union might not so modify our Constitution, as to promote prosperity, and peace, whilst it left our liberties, not only unimpaired, but even secured.

The

The question is, whether Union will not fortify, not merely England, but that empire of which Ireland also makes a part; whose safety is menaced, and whose destruction she cannot survive?

Whether it will not silence internal jealousy, and dissention; establish our religion firmly; conciliate our Catholic brethren; and consolidate our people?

Whether it will not at once, bestow upon us commercial advantages, and enable us to use them? Whether it will not establish amongst us that respectable and industrious order of men, which is the pride of the sister country, and the want of this?

Whether at the same time that it gives us an efficient weight in the imperial councils, it will not still more secure our welfare, by entangling our interests, so obviously and inextricably, with those of Britain, that all grudging policy, all narrow jealousy of Irish advancement, if it ever existed, must have an end?

Whether by disarming Separatists of those instruments which they now possess, towards severing the kingdoms, it will not render it self-injury for Britain to retard Irish aggrandizement; and make it folly for her to view the advancement of this country with apprehension?

Whether the alternative of Union, or separation, is not offered to us, as explicitly as we need wish it to be? and whether we ought to hesitate in making choice of the former?

Whether separation from England be not subjection to France? If so, I call upon all good men to turn a reluctant eye on the horrors, which have been loose of disorder in Europe and Asia figured flagon

figured that at once formidable, and wretched country, and to shudder at the prospect which my suggestion has disclosed.

Whether all objections to Union, which we hear so loudly urged, are not such, as the terms might easily obviate, and which are now therefore premature?

Whether, if legislative incorporation tend to fortify the empire, Britain is not likely to purchase this imperial strength, by the most ample and liberal concession, in point of terms?

Whether two legislatures in one empire, do not tend to disunite? and whether our experience has not alarmingly reduced this theory to practice?

Whether the testimony of *all*, who oppose an Union, is so disinterested as to deserve implicit credit?

Whether the example of Scotland has not proved that faction, not patriotism, may vehemently oppose an Union? that integrity and public spirit may vote for whatever sacrifice the measure involves? And finally, that time may sanction such a step, by shewing legislative incorporation to be the base of national prosperity?

Whether our situation is, or has been such, as that some radical and *tranquil* change does not seem desirable?

Whether that *distinct* independence which may mar imperial energy, is likely to be very *real*? or consequently to be so *precious*, as that it should not be resigned?

This, I take to be some imperfect analysis of that question, which I earnestly recommend to the cool, and honest

honest consideration of the country gentlemen, and of every Irishman who loves his country better than himself: nor do I even fear to refer the enquiry to those, who recollect that national tranquillity is essentially conducive to private interest.

Let no man timidly suppress his opinion; because, by declaring it, he may expose himself to a mere temporary, and *artificial* obloquy.

Let him, as I do, encounter willingly an honourable unpopularity; and refuse to decide the question, which he has not yet discussed.

Falsus honos juvat, et mendax infamia terret

Quem—nisi mendosum, et mendacem?

For my part, I am deaf to clamour, and, I hope, obstinate to intimidation; but I am open to *reason*; and shall ever prefer retracting, to persisting in an error.

At present, my deliberate opinion is, that a legislative Union with Great Britain would serve this country, if obtained on those fair terms, which I think likely to be conceded.—I look upon it to be a measure, which, in incorporating our distinctness, and thus far altering our Constitution, will however,

— “on change—Duration found:”

on a change of the modes and forms of the imperial establishment, will found the permanence of our tranquillity, our connexion with Great Britain, our wealth, our liberties, and our Constitution.

Union

Union merely forms my means; which I am ready to vary, if any man will prove that they are ill chosen. My end, I solemnly declare, is the Prosperity of my Country.

WILLIAM SMITH.

DUBLIN,

February 1st, 1799.

THE END.



